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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 67/129, summarizes the reports submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara for the period from 1 July 2012 to 30 June 2013.

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1. The present report, covering the period from 1 July 2012 to 30 June 2013, is submitted in accordance with paragraph 7 of General Assembly resolution 67/129 on the question of Western Sahara.

2. Pursuant to Security Council resolution 2044 (2012), I submitted a report to the Council on the situation concerning Western Sahara (S/2013/220). In that report, I informed the Council of the activities of my Personal Envoy, Christopher Ross, to promote negotiations on Western Sahara and of the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

3. The period under review was marked by serious unrest in the Sahel and beyond, as well as by the launch of a new methodology in the negotiating process. The hiatus in the negotiating process, due to the withdrawal by Morocco of confidence in my Personal Envoy in May 2012, came to an end on 25 August 2012 during a telephone conversion that I had with the King of Morocco in which I clarified the mandates of my Personal Envoy and of MINURSO. Following several bilateral contacts with the parties and neighbouring States in New York, my Personal Envoy resumed his mediation activities with a trip to the region in October and November 2012, during which he visited Western Sahara for the first time. From 28 January to 15 February 2013, he also visited the capitals of the Group of Friends of Western Sahara (Paris, Moscow, Madrid, London and Washington, D.C.), as well as those of Germany and Switzerland, to gather international support for a new approach to move the negotiating process beyond the current stalemate. He undertook a second trip to the region from 20 March to 11 April 2013, during which he confirmed the willingness of the parties to engage in a period of discreet bilateral consultations enriched with shuttle diplomacy aimed at helping the parties pursue their efforts to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, and to explore the elements of a mutually acceptable compromise, in accordance with successive Security Council resolutions.

4. From 27 October to 15 November 2012, my Personal Envoy undertook long-delayed regional consultations. At each stop, senior interlocutors reiterated their full support for the United Nations mediation efforts and for my Personal Envoy, as well as their readiness to cooperate with him. In contrast to previous trips, my Personal Envoy sought to widen his contacts beyond official interlocutors to include civil society leaders, including young people, students, women's groups and academics, as well as parliamentarians and political party leaders.

5. From 31 October to 3 November 2012, my Personal Envoy visited Western Sahara for the first time since his appointment in 2009. Accompanied by my Special Representative, Wolfgang Weisbrod-Weber, he met with local officials, Saharans reflecting both pro-autonomy and pro-independence views, Moroccan and Saharan human rights activists and MINURSO headquarters staff and military observers. His visit indicated that Saharan society, while having a strong tribal and cultural identity, is, to a certain extent, politically divided. Despite meetings with a wide range of civil society representatives, it was not possible to estimate either the extent or the depth of pro-autonomy or pro-independence sentiments among the populace. My Personal Envoy further sensed a growing appetite to broaden direct contacts between the various components of Saharan society, in particular among women and young people, including by expanding the existing programme of

seminars sponsored by the Office of the United Nations High Commissioner for Refugees (UNHCR). MINURSO support, including through reporting, for my Personal Envoy has become even more relevant in the light of his visits to Western Sahara and his increased interactions with the population.

6. A common thread at all stops was concern with regard to the security and stability of the Sahel and beyond and growing fears about the fragile situation of young people in the refugee camps near Tindouf and in the Territory. However, those concerns did not prompt a new readiness to work seriously to resolve the Western Sahara conflict. The parties continued to maintain what my Personal Envoy has previously characterized as "an unyielding adherence to mutually exclusive positions", and no progress on the core issue of the final status of the Territory was registered. The tense regional context has rendered positions more rigid and raised mutual suspicions between neighbours. My Personal Envoy, with the support of the international community, has repeatedly urged the parties to recognize that the passage of time can only worsen the situation.

7. After his regional consultations, my Personal Envoy visited Paris and Madrid for bilateral discussions. In both capitals, he stressed the urgency of solving the Western Sahara conflict in the light of the worrisome regional developments. He conveyed the same message to the Security Council during his briefing on 28 November 2012. At that briefing, my Personal Envoy also stated that convening yet another round of informal negotiations would not advance the search for a solution, since the parties remained attached to their respective proposals and did not demonstrate enough political will to move beyond merely attending meetings to actually negotiating. He announced his intention to engage in consultations with the parties, neighbouring States and key international stakeholders, followed by a period of shuttle diplomacy in the region, to prepare the ground for further face-to-face meetings of the parties.

8. As announced during his briefing to the Security Council, my Personal Envoy undertook a trip to the capitals of the Group of Friends of Western Sahara from 28 January to 15 February 2013. He also took the opportunity to visit Berlin and Bern for bilateral consultations and met with the United Nations High Commissioner for Human Rights and senior UNHCR staff in Geneva. The trip was aimed primarily at building additional international support for the Western Sahara negotiating process in preparation for the next phase of engagement with the parties and neighbouring States.

9. Expanding on the ideas presented in paragraph 120 of my report of 1 April 2011 (S/2011/249), my Personal Envoy engaged his interlocutors in a discussion on options for yet another approach to move the negotiating process beyond the current stalemate and improve the atmosphere for negotiations. With regard to the negotiating process, he stated his intention to hold bilateral consultations with each party and to ask each to recognize that negotiations imply give and take and that the spirit of compromise must prevail.

10. My Personal Envoy found unanimous support in the capitals of the Group of Friends, as well as in Berlin and Bern, for those ideas. All Governments consulted raised serious concern over the risk that the fighting in Mali could spill over into the neighbouring countries and contribute to radicalizing the Saharan refugee camps. Intense interest in finding a solution to the Western Sahara conflict and avoiding the resumption of hostilities was expressed, with one Government calling the situation

in the camps a "ticking time bomb". When asked whether the conflict in Mali could provide a new impetus for the Western Sahara negotiations, my Personal Envoy explained that, while that had been his hope, the parties directly and indirectly concerned with the conflict had as of yet not reacted in that way. He urged each of the Governments consulted to use its contacts to encourage serious negotiations. On 15 March 2013, and for the first time, the Group of Friends of Western Sahara issued a joint statement in support of the Personal Envoy's efforts.

11. Following his tour of the capitals of the Group of Friends of Western Sahara and his visits to Berlin and Bern early in 2013, my Personal Envoy undertook another trip to North Africa, including Western Sahara, from 20 March to 3 April 2013. At the request of the King of Morocco, Mohammed VI, he returned to Rabat from 8 to 11 April to meet with him. During that trip, my Personal Envoy confirmed the agreement of the parties and neighbouring States to engage in discreet bilateral consultations and shuttle diplomacy. Frente Polisario and Algeria noted that that approach should supplement, not replace, the face-to-face negotiations between the parties. Morocco expressed its readiness to cooperate fully with my Personal Envoy in the new approach and did not seem eager to resume the face-to-face negotiations.

12. During his trips to the region, my Personal Envoy found great enthusiasm for expanded people-to-people contacts between the various sectors of Saharan society and conveyed this to UNHCR, stating his readiness to follow up with potential donors to seek additional funding. My Personal Envoy attended the most recent confidence-building measures review session held on 2 July 2013 in Geneva and, on my behalf, delivered a message supporting the extension of the confidence-building measures programme and encouraging the parties and neighbouring States to continue to cooperate closely with UNHCR in that regard. In my message, I also insisted on the need to focus further on the need to include the younger generations in the programme.

13. During the period under review, MINURSO continued to monitor adherence by the parties to the military agreements and the ceasefire by conducting ground and aerial patrols, as well as visiting units of the Royal Moroccan Army and the military forces of Frente Polisario. MINURSO military and police personnel also provided medical and logistical support for the UNHCR programme on confidence-building measures.

14. During the reporting period, the issue of human rights was the focus of several high-level visits to Western Sahara, including by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, who visited the Territory west of the berm on 17 and 18 September 2012 at the invitation of the Government of Morocco. Violations affecting Western Sahara in both the Territory and the refugee camps near Tindouf continued to be alleged or reported. The parties continued to hold different opinions on how to address the issue of human rights, which remains important for any resolution of the conflict.

15. On 15 June 2012, I appointed Mr. Weisbrod-Weber (Germany) as my Special Representative and Head of MINURSO. My Special Representative maintained regular contacts with the parties to discuss the Mission's implementation of its mandate and operational matters and to employ his good offices to promote the resolution of issues relating to the ceasefire and confidence-building measures. He held several briefings and consultations with the Moroccan and Frente Polisario authorities, visiting officials from key Member States and international

non-governmental organizations, in addition to officials in Algeria and Mauritania, about the Mission's mandate and challenges. He also established regular contacts with the regional offices of the Moroccan National Human Rights Council in Laayoune and Dakhla.

16. The Mission's political office maintained regular and constructive engagement with the respective Moroccan and Frente Polisario coordinators with MINURSO. MINURSO did its best to improve the scope of its reporting to the Security Council and to the Secretariat and in support of my Personal Envoy, focusing on local developments and situational analysis and drawing on open-source information.

17. The Mission continued to make significant progress in reducing the threat and impact of landmines and explosive remnants of war through effective support for humanitarian action activities east of the berm, and effective cooperation continued between the Mine Action Coordination Centre and both parties.

18. There is no date yet for the next joint negotiating session, but bilateral consultations and possible shuttle diplomacy are due to start in September 2013, following preparatory bilateral consultations with the parties and neighbouring States on the margins of the sixty-eighth session of the General Assembly.

19. As noted in my report to the Council earlier in 2013, the rise in instability in and around the Sahel requires the urgent settlement of the long-standing dispute on Western Sahara. I am concerned at the continued stalemate in the negotiating process and remind the parties and the international community of their responsibilities to find a solution to the conflict. I therefore reiterate my call to the parties to move towards a solution without further delay and, to that end, urge them to engage in genuine negotiations with the support and facilitation of my Personal Envoy.

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Sixty-eighth session
Item 69 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Myanmar

Report of the Secretary-General

Summary

The present report, submitted pursuant to paragraph 21 of General Assembly resolution 67/233, covers the period from 25 August 2012 to 10 August 2013. During that period, Myanmar witnessed dramatic changes as the reform measures initiated in 2011 continued to be pursued through the building of new institutions and the enactment of new laws in active sessions of the national parliament and regional assemblies, while steady progress was achieved in national reconciliation through negotiations with erstwhile ethnic armed groups and encouragement of the voluntary return and resettlement of displaced populations. The Government carried out a series of reform measures aimed at transforming the economy into an increasingly market-oriented economy, opened new sectors to foreign investment and trade and introduced measures to ensure greater transparency and to combat corruption. As the country's engagements with the outside world expanded widely, new challenges arose. The increased communal tensions and violent incidents around the country raised doubts as to whether they could undermine the reform process under way. The United Nations continued its wide-ranging engagement with and provision of support to Myanmar.

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I. Introduction

1. The present report is submitted pursuant to paragraph 21 of General Assembly resolution 67/233, in which the Assembly called upon me to continue to provide my good offices and to pursue my discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar and to report to the Assembly at its sixty-eighth session, as well as to the Human Rights Council, on the progress made in the implementation of the resolution. The present report covers the period from 25 August 2012 to 10 August 2013. Separate reports by the Special Rapporteur on the situation of human rights in Myanmar were issued in September 2012 (A/67/383) and April 2013 (A/HRC/22/58).

2. With the historic changes that have occurred recently in Myanmar, some significant challenges have come to the fore in this nascent stage of the reform process. During this delicate phase of transition, I have sought, along with my advisers, to engage the authorities and other relevant stakeholders to achieve progress towards the continuation of democratic reforms; a broad-based dialogue between the Government and all relevant parties to the national reconciliation process, including those represented within the parliament and outside; an improvement in the socioeconomic conditions by strengthening the partnership between the United Nations and Myanmar; and a more proactive and cooperative engagement between Myanmar and the United Nations in the good offices process. We have also striven for continued progress with regard to human rights issues.

3. To achieve these goals and to contribute to the reform process undertaken by Myanmar, my Special Adviser on Myanmar visited the country on five occasions, at the invitation of the Government. For my part, I met the President of Myanmar, Thein Sein, on 29 September 2012 during his visit to Headquarters to attend the opening session of the sixty-seventh session of the General Assembly. I also met Daw Aung San Suu Kyi on 21 September 2012 during her visit to the United States of America; the Speaker of the Pyithu Hluttaw (Lower House of Representatives), Thura Shwe Mann, when he visited New York on 14 June 2013 as the head of a parliamentary delegation; and other high-level officials, including the Minister of the President's Office and the Government's chief negotiator for talks with ethnic groups, Aung Min, whom I met in September 2012 in New York. My Special Adviser provided a briefing to the Security Council on 16 April 2013 and to the President of the General Assembly on 12 July 2013. I also convened two meetings of my Group of Friends on Myanmar in New York. The first was held at the ministerial level on 28 September 2012 and the second on 10 July 2013 at the level of permanent representatives. In the light of the strengthened bilateral engagements between Myanmar and other partners, my Special Adviser also continued regular consultations with Member States. He facilitated discussions within the United Nations system with a view to strengthening and coordinating the Organization's engagement on various issues concerning Myanmar. In November 2012, he participated in a conference in the United Kingdom of Great Britain and Northern Ireland. In June 2013, he attended a forum in Norway that covered, among other things, the continuing peace processes in Myanmar.

4. Continuing the normalization of the Organization's partnership with Myanmar, the United Nations Development Programme (UNDP) signed a three-year country programme action plan on 8 April 2013 for the period 2013-2015. The action plan

followed a decision of the Executive Board of UNDP in January and represents the first normal country programme for Myanmar in 20 years. It has a strong governance focus. The Administrator of UNDP visited Myanmar in June to co-chair the World Economic Forum on East Asia. The Executive Boards of UNDP, the United Nations Population Fund, the United Nations Office for Project Services, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and the World Food Programme made a joint 10-day field visit to Myanmar in March 2013, during which they met government authorities, parliamentarians and major stakeholders in Yangon and Nay Pyi Taw. They also visited local projects in central Myanmar and Rakhine and southern Shan States. Earlier, in December 2012, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator visited Myanmar and supervised the provision of humanitarian assistance to displaced populations living in camps in Rakhine State and elsewhere.

5. Following the President's request for United Nations assistance in carrying out the first national population census in 30 years, I directed the United Nations Population Fund and the Department of Economic and Social Affairs of the Secretariat to provide technical support to conduct the census in 2014. An international technical advisory board was established to provide expertise and advice to assist the Government in the successful implementation of the census in compliance with international standards. It met in January and July, before and after the pilot census that was conducted in March and April. A national workshop was held in June to take stock of the pilot exercise and implement corrective measures where needed. All concerned agencies within the United Nations system will remain engaged with the national authorities to help to ensure timely preparations for the successful conduct of a census in 2014.

6. The Special Rapporteur on the situation of human rights in Myanmar visited the country in February 2013 and provided a briefing to the Human Rights Council thereafter. On 21 March, the Council, by its resolution 22/14, extended the Special Rapporteur's mandate for a further year.

II. Key developments

A. Political reforms

7. The Government made steady progress on the release of political prisoners (also known as "prisoners of conscience") during the reporting period. Apart from the release of some 230 political prisoners in September and November 2012 and in April, May and July 2013, the Government announced on 7 February the establishment of a committee for the verification of political prisoners headed by the Union Minister, U Soe Thane. Comprising representatives of government departments, civil society organizations and major political parties, the committee will seek to define the term "prisoner of conscience" and provide a coordinated framework for the scrutiny and release of the remaining political prisoners. While no definition has yet emerged, the Government has, for the first time, involved the Assistance Association for Political Prisoners, a prisoner rights and support group, to help the committee in its work. On 16 June, the committee forwarded an agreed list of 155 political prisoners to the President's Office. The figure represented a

significant fall in the number of political prisoners over the past two years. In my meetings with the country's leaders, I have continued to urge the release of all political prisoners in Myanmar as a necessary step in the democratization process and towards further strengthening the international community's confidence in the direction of the reforms. I have stressed that the issue of political prisoners should be resolved before Myanmar begins to chair the Association of Southeast Asian Nations (ASEAN) in 2014. On 23 July, I welcomed the release of an additional 73 political prisoners and the President's public commitment to releasing all political prisoners by the end of 2013.

8. The establishment of a body within the parliament to review the Constitution of 2008 was another key recent development. The 105-member committee is expected to comprise parliamentarians from the 20 political parties currently holding seats in the parliament, in addition to representatives of the military. It will deliberate on key issues requiring constitutional scrutiny in order to ensure an inclusive process during the elections to be held in 2015. In March, the President's Office also announced the formation of a new constitutional tribunal after obtaining parliamentary approval. The development comes after a similar tribunal of nine judges resigned in September 2012 over differences as to whether the parliamentary committees should have the status of Union-level organizations.

9. The parliament continued to make important strides, including on legislative measures aimed at strengthening good governance. In my address to the parliament in April 2012, I had highlighted the central role that it needed to assume in carrying forward the country's democratic transition and called upon representatives from various parties, ethnicities, religions and institutional backgrounds to come together to draw up an inclusive and forward-looking national agenda for change. I am happy to report that developments have proceeded in that spirit. With the establishment of key parliamentary subcommittees such as those on the fundamental rights of citizens, democracy and human rights, ethnic races affairs and internal peace restoration and rule of law and tranquillity, the two houses of the parliament are poised to make a significant contribution to the national debate on key issues. It is notable in this regard that the leader of the National League for Democracy, Daw Aung San Suu Kyi, was appointed to chair the newly formed committee for rule of law and tranquillity in August 2012.

10. During its fourth, fifth, sixth and seventh sessions, held over the past 12 months, the parliament adopted several significant laws aimed at advancing political freedom and fostering economic growth. Some are highlighted below. The seventh session of the Pyithu Hluttaw, which was convened on 15 June, saw the establishment of a joint parliamentary committee tasked with reviewing the Constitution. On 31 July, Thura Shwe Mann became the Speaker of the parliament in line with the constitutional provision whereby the Speakers of the two houses rotate the chairship of the body midway through its term. Assuming his responsibility, he called for the fair management of the peace process and for the public to cooperate and promote the peacemaking process while political dialogue was under way. He also called upon all citizens to promote harmony, respect the laws of the State and to prevent riots such as those that occurred recently.

11. Since the launching of reforms, concerted attempts have been made to broaden the scope of media freedoms. The dissolution of the censorship board was announced on 25 January and licences were granted in April to private newspapers

to publish dailies for the first time in nearly 50 years, ending the monopoly of State-owned newspapers. Meanwhile, a new printing and publishing enterprise bill that was adopted by the Pyithu Hluttaw was severely criticized by local media bodies, such as the interim press council, which lamented the arbitrary decision-making powers that it gave to government registration officers. The interim press council has decided to submit its own amendments directly to the parliament. The President has publicly underlined the commitment of his Government to working to fully restore freedom of expression, but has also stressed the importance of having a responsible media that can play a positive role in fostering a healthy and open democratic process in the prevailing delicate political climate.

12. Meanwhile, in continuation of the process of eliminating the residual regulations that had characterized the military regime's controversial past, the Government rescinded in January the ban on public gatherings of more than five people, which had been in place since 1988, thereby ending a much-criticized practice.

13. Ahead of the elections to be held in 2015 and taking advantage of the democratic developments in Myanmar, the various political parties stepped up their organizational activities. The National League for Democracy held its first-ever national congress in Yangon from 8 to 10 March, attended by some 900 delegates from more than 250 townships. Numerous ethnic leaders, in addition to members of other political parties and foreign observers and diplomats, were present. The delegates elected a 120-member central committee, which in turn elected a new central executive committee. The latter body has 15 members, including all seven former executives but with four women representatives and larger representation from various ethnic areas. The central committee unanimously elected Daw Aung San Suu Kyi as party leader. Within the ruling Union Solidarity and Development Party, at a party conference held in Nay Pyi Taw in October 2012, the top echelons were restructured by having three Vice-Chairs in place of a single Vice-Chair. In addition, a consultation council for the Chair was created, equal in rank to the Vice-Chairs, and the 44-member central executive committee reorganized from among some 300 members of a larger panel. In May, at a youth conference, the party announced a leadership change, with the party's Deputy Chair and Speaker of the Pyithu Hluttaw, Thura Shwe Mann, assuming the position of Chair, succeeding the President. The decision was reportedly formalized at a party convention convened from 22 to 24 June.

B. Human rights

14. The Government announced on 18 November 2012 that it would invite the Office of the United Nations High Commissioner for Human Rights to begin negotiations on establishing an office in Myanmar. I regard this move as a step forward and would welcome the early establishment of an office with a protection and promotion mandate, which would be a further step forward. The Office has also engaged with the Government on technical cooperation. It was actively engaged on the draft law on the national human rights institution, encouraging stakeholders to develop and adopt legislation that would ensure its independence and effectiveness and also its compliance with the applicable international standards and the Paris Principles. In July 2012, in collaboration with the United Nations Office on Drugs and Crime, a draft prisons act was reviewed with the concerned department and

comments provided with a view to bringing the draft into line with international standards. The draft remains pending with the Government. In December 2012, the first Human Rights Day celebration was organized in Yangon since 1998, with senior representatives of the Government, the parliament, the media and the United Nations participating.

15. There has been significant progress on the issue of child soldiers in Myanmar. Following up on the action plan signed between the United Nations and the Government in June 2012 for the release and reintegration of children associated with the armed forces and the prevention of further recruitment, 42 children were released in September 2012. Additional discharges have occurred to date, including 24 children released in February, 42 released in July and 68 released on 7 August. I have been urging all sides, including armed ethnic groups, to end the practice of recruiting children and called for the prompt discharge of underage soldiers by the Government in line with its commitment. There is no justification for the recruitment of children by the armed forces. No child should have to endure the hardship of forceful removal from his or her family, friends, school and community. The army has released more than 520 children since 2006 and progress on this front must continue.

16. In recognition of the progress with regard to eliminating forced labour, the International Labour Organization (ILO) lifted all remaining restrictions on Myanmar in June 2013. The restrictions were initially introduced in 1999 and 2000 as a result of ILO finding what it termed "abundant evidence" of the "pervasive use" of forced labour by the authorities. Delegates attending the 101st session of the International Labour Conference, in June 2012, requested ILO and the Government to uphold their commitments and move forward in taking action on the supplementary understanding signed in 2007 between ILO and the Government, the memorandum of understanding signed in 2012 and other associated action plans for the elimination of all forms of forced labour by 2015.

C. Development cooperation and socioeconomic change

17. In his inaugural speech to the parliament in March 2011, the President underscored economic reform as a key priority for the Government. In fulfilling that commitment, key steps were taken, including the launch of the second and third waves of reform measures aimed at developing the private sector and providing a new focus on strengthening good governance by improving public services, undertaking administrative reforms and combating corruption.

18. The parliament has begun to openly debate the budget. There have been changes in budgetary allocations by the Government, with an increase in the funding allocated to the developmental and social sectors. While defence allocations in the current national budget have decreased slightly, they are still reported to account for around a fifth of the total budget. Over the same period, however, allocations for the health and education sectors have nearly tripled, albeit from a relatively low level of less than 3 per cent in 2010. Meanwhile, following growth of 5 per cent over the past five years, the economy grew by 6.5 per cent during the fiscal year 2012/13, according to International Monetary Fund figures.

19. Reform efforts have also been made recently to help to move the country towards a market-based economy. Much-needed reforms in the financial and

banking sectors were carried out through the establishment of the appropriate institutions and infrastructure, including through a law creating an autonomous central bank. The enactment of a foreign investment law is likely to attract sizeable foreign investment. The Government is determined to triple its gross domestic product within five years while reducing the poverty rate from 26 to 16 per cent over the coming three years. Acknowledging the positive steps taken by the Government and following the clearing of arrears, the World Bank and the Asian Development Bank agreed to provide initial loans amounting to $440 million and $512 million, respectively. Under an interim strategy for Myanmar endorsed by its Board of Executive Directors in November 2012, the World Bank is helping the Government to improve economic governance and create conditions for growth and jobs by providing policy advice and technical assistance. In February, the Government and the Bank agreed to work together to meet the country's urgent and mounting power and energy needs and towards improving the telecommunications and banking sectors. The Bank is also supporting a national community-driven development project that empowers rural communities to choose which investments are most needed in areas such as roads, bridges, health clinics or other priorities. The project is funded by a grant of $80 million, with a contribution of $6.3 million from the Government. The interim strategy of the Asian Development Bank aims at developing a comprehensive country partnership in support of sustainable development and job creation.

20. The international development partners of Myanmar underlined their support for the country's economic development programme at a meeting of the Myanmar Development Cooperation Forum, held on 19 and 20 January 2013. The Nay Pyi Taw Accord for Effective Development Cooperation adopted at the Forum outlined obligations for both the Government and donors in the implementation of reform policies and aid projects. In June, the World Economic Forum on East Asia, held in Nay Pyi Taw, afforded Myanmar an important opportunity to highlight its commitment to democratic reforms and to showcase its economic prospects vis-à-vis the larger international community. The Forum attracted widespread attention, including from government leaders and from business groups and private investors from around the world.

21. The significant progress made on various fronts notwithstanding, the country continues to face major challenges. Along with the opening up of the economy and the increased transparency of debate on public issues that has ensued, the Government has begun to face strong pressure on a number of projects relating to infrastructure and the exploitation of natural resources that were initiated under the previous military regime. Local populations and civil society organizations have begun to strongly question the soundness of earlier investment decisions and, on occasion, have highlighted their adverse social and environmental impact on local communities. In many cases, affected communities have accused the authorities of arbitrary land allocation and even of allowing land grabbing to facilitate the implementation of priority projects. Persistent public protests compelled the Government to suspend work at the Letpadaung copper mine in Monywa, Sagaing Division, and an investigation commission chaired by Daw Aung San Suu Kyi was set up to assess the advisability of continuing the project. In its report, the commission recommended against the cancellation of the project, while suggesting redressal of several popular grievances. Separately, popular grievances regarding land acquisition, especially affecting the rural population, were addressed by a

parliamentary farmland investigation commission, which recommended the return of undeveloped land to its owners or to the State. In cases in which land had already been developed or put to another use, the affected farmers were to be awarded adequate compensation. This issue is of particular relevance because most people rely on agriculture for their livelihoods. To assuage public anxiety and international concern regarding future projects, especially in the mining sector, the Government announced that Myanmar would accede to the Extractive Industries Transparency Initiative, a global standard that promotes revenue transparency and accountability in the extractive sector. In late July 2013, a wide-ranging bill to root out corruption through the establishment of an anti-corruption commission was approved by the parliament.

22. Enhanced international engagement with Myanmar has resulted in greater inflows of financial support, with total foreign investment from more than 30 countries reaching $42 billion. Of that amount, $794 million was received over the nine-month period of the fiscal year 2012/13. The authorities are reportedly preparing to establish a stock exchange. Most recently, after a transparent nationwide telecommunications licensing process, two successful foreign applicants were reportedly selected to upgrade the telecommunications system. In the oil and gas sector, Myanmar offered 30 blocks for exploration in a licensing round covering 11 shallow and 19 deep-water blocks in June 2013. Meanwhile, the 793-km natural gas pipeline from Myanmar to China entered the testing phase in July. The energy sector continues to be central to the country's economic growth and hydropower, mining, oil and gas comprise 85 per cent of total investment in the country. Recognizing the importance of special economic zones, plans for a number of such zones are also being finalized and completion of the first phase is expected in 2016.

23. The question of how to absorb this inflow of investment has been a major challenge for the authorities as they formulate relevant policies, establish new institutions and develop the human resources required to cope with the new realities. The urgent need to meet the developmental demands of the people notwithstanding, there appears to be an awareness that the country cannot repeat the experience of some of its neighbours and focus exclusively on rapid growth without building the social policies and social protection needed to ensure that its citizens acquire the resilience needed to manage economic and health crises or natural disasters. Since reforms were initiated in Myanmar, I have been stressing the need for the international community to work closely with the Government to strengthen national capacity to absorb foreign investment, handle it transparently, wisely and coherently, strengthen the accountability of natural resource revenue management and build public trust in governance. The United Nations will continue to help Myanmar in the area of public administration by supporting capacity-building for training institutions and the development of training strategies for civil servants.

D. International engagement

24. The dramatic changes occurring in Myanmar have attracted widespread international attention and resulted in an increasingly brisk engagement of the international community with its leaders. In November 2012, the President of the United States, Barack Obama, made the first-ever visit by an incumbent President of the United States to the country, bringing bilateral relations to a new level. In May 2013, the President of Myanmar visited the United States in the first visit by a

leader of Myanmar to the country since 1966. The United States has offered assistance focused on the strengthening of the parliament and support for political parties in their democratic participation in the reform process. Other initiatives include the re-establishment of the Fulbright Program in Myanmar, the catalysing of university-private sector partnerships involving United States businesses and institutions of higher education in both countries to address critical development needs, and the provision of targeted support aimed at promoting transparency and good governance in the extractive industries sector. Meanwhile, the United States also announced sanctions in July 2013 against a prominent minister for his past actions in allowing military purchases from the Democratic People's Republic of Korea, while highlighting the continuing positive steps of the Government of Myanmar in severing military ties with that country.

25. Engagement between Myanmar and European countries also witnessed substantive progress. The President of the European Commission visited Myanmar in November 2012 and a delegation of the European Parliament visited in February 2013 to underline support for national efforts to consolidate democracy, establish the rule of law, ensure respect for human rights and achieve national reconciliation. The President of Myanmar visited Austria, Belgium and Italy from February to March and attended the signing ceremony of an agreement on cooperation in crisis response between the European Union and Myanmar. He addressed the European Parliament and underlined that his Government must find ways of addressing long-standing grievances in Myanmar and work towards a more inclusive nation, including on the issue of citizenship. In July, he visited France and the United Kingdom of Great Britain and Northern Ireland to strengthen bilateral ties in a wide range of areas, including on investment and education.

26. In recognition of the visible progress achieved in political reform, the European Union in April 2013 lifted the last of the bloc's trade, economic and individual sanctions against Myanmar, with the exception of the embargo on arms. On 19 July, it formally reinstated preferential trade terms for Myanmar.

27. While expanding its international engagement with the United States and European countries, Myanmar has reaffirmed its strong political ties with China. Visiting China in September 2012, the President underlined his country's traditional friendship with China and the support and assistance provided at what he termed "the most difficult of times". In April, he attended the Boao Forum for Asia, an event aimed at promoting regional economic integration and helping Asian countries to attain their development goals. Other high-level visits included the visit to Myanmar by the then Chair of the Standing Committee of the National People's Congress, Wu Bangguo, in September 2012. The Special Envoy of China for Asian Affairs, Wang Yingfan, visited Myanmar in May, while the State Councillor, Yang Jiechi, did so in June. During both visits, the two countries reiterated their commitment to deepening their comprehensive strategic cooperation partnership.

28. Following the President's successful visit to Japan in May 2012, the Prime Minister of Japan, Shinzo Abe, made a high-profile visit to Myanmar in May 2013 to reinforce the growing economic ties between the two countries. A number of two-way visits were conducted between Myanmar and Australia, most significantly the President's visit to Australia in March and visits by the Minister for Foreign Affairs and the presiding officers of the parliament. The President visited the Republic of

Korea in December 2012 and, during the same month, participated in the two-day ASEAN-India Commemorative Summit held in New Delhi.

29. ASEAN countries continued their high-level engagement with Myanmar. In December 2012, the President of Myanmar and the Prime Minister of Thailand, Yingluck Shinawatra, together visited the Dawei Special Economic Zone and discussed ways of accelerating the project and other areas of bilateral cooperation in telecommunications, power, environmental conservation and investment. The two met again at the twenty-second ASEAN Summit, held in Brunei Darussalam in April. During the same month, the President of Indonesia, Susilo Bambang Yudhoyono, visited Myanmar and discussed a wide range of bilateral and regional issues with his counterpart.

30. Apart from the visits by the President, there were significant visits abroad by other members of the political leadership of Myanmar, including by Daw Aung San Suu Kyi. Her visit to Japan in April, the first in 27 years, included meetings with the Prime Minister, the Minister for Foreign Affairs and the Myanmar diaspora. She also visited India in November 2012, where she met senior State leaders and received the Jawaharlal Nehru Award for International Understanding in New Delhi. As mentioned above, the Speaker of the Pyithu Hluttaw, Thura Shwe Mann, and 11 parliamentarians visited the United States in June, during which time I was able to welcome him at Headquarters. Another important engagement was the visit in April to the United Kingdom and the United States by Aung Min.

31. Continuing reform efforts and greater international engagement also helped Myanmar to build new linkages with its neighbours, thereby facilitating regional integration and trade ties. On the eastern border of Myanmar, Thailand agreed to open three additional permanent border checkpoints. To the west, a number of projects were undertaken between Myanmar and India, including the development of roads and inland waterways for bilateral connectivity and some segments of a trilateral highway project to connect India, Myanmar and Thailand.

E. National reconciliation

32. The Government's overall vision of national reconciliation was articulated by the President in a speech delivered in August 2011, in which he envisaged a three-stage process involving a ceasefire, political dialogue and the transformation of erstwhile armed ethnic groups over time into national political groupings or parties and their participation in the regular electoral process to represent their constituencies in the state legislatures or the houses of the parliament.

33. It was against that backdrop that the historic 14-point agreement of April 2012 between the Karen National Union and the Government was concluded. Both sides have since continued to hold detailed discussions on various issues, including a post-ceasefire code of conduct, the opening of liaison offices, implementation of peace agreements and the provision of documentation and awareness training relating to demining operations in areas controlled by each side. Meanwhile, the Karen National Union/Karen National Liberation Army formally committed itself to international instruments prohibiting sexual violence and gender discrimination and for the protection of children in armed conflict.

34. The past year has seen much expectation and some steady progress in building peace and achieving national reconciliation. A Myanmar peace centre was established in 2012 by the Government to streamline various efforts to negotiate with ethnic groups and to cope with the immediate problems of resettlement and rehabilitation. Its aims include providing technical support to the peacemaking process in the country and serving as a platform from which the Government and ethnic groups can hold informal contacts and discussions. It also provides a focal point for channelling various forms of assistance, such as humanitarian support from international partners and multilateral bodies, including the United Nations. In this connection, a peace donor support group led by Norway and comprising Australia, the United Kingdom, the European Union, the United Nations and the World Bank has been working in tandem with the Centre.

35. Many ethnic groups, however, have continued to view the prospect of national reconciliation from a perspective that is different to that of the Government. Their widely divergent approaches notwithstanding, some of the groups and subgroups have been working together in coalitions to devise a common approach to the upcoming peace talks. Much more consultation, both between the ethnic groups and within the Government itself, on the larger framework for political dialogue will be needed in the future. For their part, the government negotiators have signalled a clear willingness to have frank and friendly talks based on recognition of the right of the ethnic groups to enjoy equality, autonomy and rights. They have also conceded, in principle, that there is a need to agree to an appropriate modicum of power-sharing and resource-sharing.

36. Meanwhile, in Kachin State, where the ceasefire was first breached in 2011, the situation remained tense. The escalation of the violent conflict in December 2012 and January 2013 aroused serious concern, both in Myanmar and abroad. The use of air power by the government forces and the intensification of the conflict on both sides caused large-scale displacements among the local population. On 2 January, I called upon the authorities to desist from any action that could endanger the lives of civilians living in the area or further intensify the conflict in the region. I also drew attention to the need for timely access and delivery of humanitarian assistance to the internally displaced and vulnerable sections of the population in Kachin State.

37. Amid increasing concern over the developments, government negotiators and representatives of the Kachin Independence Organization met in Ruili, China, during the first week of February. The two sides reached tentative agreement on avoiding further offensive action and retaining each side's presence in specific areas. They also agreed upon travel and logistical preparations for future meetings, in addition to mutual help in the rebuilding and restoration of destroyed roads and infrastructure and the urgent provision of food and humanitarian supplies to displaced populations. Discussions continued in March at a second meeting in Ruili, at which agreement was reached on the clearing to normal traffic of the two roads from Myitkyina to Putao and from Myitkyina to Bhamo.

38. My Special Adviser has visited Myanmar regularly since early January 2013 and engaged with senior government officials and other stakeholders on the worrisome situation in Kachin State. On 4 February, the day of the first meeting in Ruili, he was invited by the Government to visit Myitkyina in order to survey the critical humanitarian situation affecting the camps for internally displaced persons

there. He accompanied senior central ministers to the camps and addressed public meetings with civil society. He continued to call for humanitarian access to meet the needs of the people both inside and outside government-controlled areas.

39. A third round of peace talks was held from 28 to 30 May in Myitkyina, resulting in the finalization of a seven-point agreement between the two sides. The agreement stipulated the commencement of a political dialogue, de-escalation and cessation of hostilities, further discussion on the repositioning of troops and the establishment of joint monitoring committees, in addition to the continuation of relief, rehabilitation and resettlement efforts for displaced populations in Kachin State. My Special Adviser attended the talks as an observer, along with the representative of China and members of various ethnic groups. During his time in Myitkyina, he also met Kachin civil society, community and religious leaders and other public figures to hear their views and assure them of the commitment of the United Nations to the peace process. I believe that the presence of the United Nations helped to build a better equation of trust and mutual workability between the parties. The Organization will continue its efforts in the same constructive spirit.

40. In parallel with the efforts in Kachin State, the President and his advisers continued their engagement with other ethnic groups with a view to bringing the country closer to genuine national reconciliation. Peace talks were held between the Government and the Restoration Council of Shan State/Shan State Army in Nay Pyi Taw in June 2013. In December 2012, the Government and the Chin National Front signed agreements in their second round of central-level talks, held at the Myanmar Peace Centre in Yangon. In addition, the Government signed a five-point agreement on 12 July 2013 with the United Wa State Army, one of the largest armed ethnic groups, which also underscored cooperation between the Government and the group on regional development and drug eradication. Simultaneously, the authorities have been reaching out to and engaging with other ethnic groups in order to further the peace process.

41. On 28 June, Aung Min informed the parliament that the Government would soon be handing over to it a plan for the organization of a national political dialogue with ethnic groups. Meanwhile, the President has called upon the Government and all ethnic armed groups to prepare for a nationwide ceasefire agreement that could for the first time in 60 years silence the guns around the country. His call has received widespread support, a degree of ambivalence on the part of some armed groups notwithstanding.

F. Humanitarian challenges

42. While national reconciliation efforts have yielded positive developments, United Nations humanitarian agencies and their partners have faced major challenges. In Kachin and northern Shan States, the number of people displaced grew to almost 100,000. The provision of urgent livelihood needs and protection support to the vulnerable has become increasingly important. Since mid-July 2012, the absence of government permission (except once, in June) for aid convoys led by the United Nations to gain access to the communities in areas outside the control of the Government has been a major challenge for the continued provision of United Nations humanitarian assistance to complement the aid provided by local non-governmental organizations. Following notification of the President's approval

on 7 January to deliver assistance to areas in which security could be guaranteed, the United Nations has continued to push for unimpeded access. Since July 2012, only one cross-line mission has been able to travel and assist some 4,800 internally displaced persons in areas beyond government control. Many needs therefore remain unmet in those areas.

43. Some improvements notwithstanding, the constraints on humanitarian access remain significant in many parts of the country. On 12 June, a United Nations cross-line mission reached communities in a non-government-controlled area in Mai Ja Yang, Kachin State, the first such mission to areas beyond government control since July 2012. In the south-east of the country, some improvements were observed, with more humanitarian actors gaining access to previously unreachable areas. Bureaucratic constraints, the unpredictability of the security situation and the presence of landmines continue, however, to hamper humanitarian efforts in areas across several regions.

G. Communal tensions

44. In the previous report (A/67/333), I referred to the communal violence that convulsed northern Rakhine State in June 2012. Similar outbreaks occurred in October 2012, causing unconscionable loss of lives and destruction of property, in addition to large-scale displacement of affected communities. In Rakhine State itself, more than 110,000 people were displaced following clashes between Buddhist and Muslim communities from June to November 2012. This figure includes some 36,400 people affected by the resurgence of communal violence on 21 October 2012 in several townships that resulted in more than 80 deaths and the destruction of in excess of 5,300 homes. Most of the displaced were in Sittwe, Kyauktaw and Maungdaw townships, where a pattern of segregation appears to have emerged. It is now estimated that up to 140,000 people have been displaced in Rakhine State. In an effort to curb the violence and address concerns over the negative developments in the region, a 27-member inquiry commission was appointed by the President in August 2012 to ascertain the causes of the violence, suggest immediate and longer-term measures to prevent its recurrence, maintain the rule of law and promote harmony among communities. The commission comprised representative of a cross-section of political, professional and civil society personalities and religious groups. Eight months after beginning its work, the commission submitted its report to the President on 22 April and made it available for public dissemination.

45. In mid-December 2012, at the invitation of the Government, my Special Adviser visited Myanmar and accompanied the Population and Immigration Minister, Khin Yi, on a two-day mission to Rakhine State, during which they discussed with leaders of the Buddhist and Muslim communities specific and practical ways to tackle some of the core issues underlying the tensions between them. Earlier, in November, the President had written to the Secretary-General to indicate that he was reviewing the issues with a view to finding more stable and sustainable solutions. Some of the immediate measures discussed by the authorities included reviewing cases involving members of the Muslim population of Rakhine State to consider more liberally issuing national registration certificates and the possibility of allowing certificate holders free movement across the country and issuing them with work permits. Such documentation could also provide a basis for them to apply for international travel documents and passports and, eventually, for

citizenship. Although details of the proposals were not fully clarified, the Government publicly declared its determination to pursue a graduated framework for meeting such citizenship-related concerns. This step needs to be encouraged.

46. Meanwhile, the arc of communal violence began to engulf other parts of the country. Clashes between Muslims and Buddhists in March over a local dispute in Meiktila left at least 40 people dead, 60 injured and more than 2,245 houses reportedly destroyed by arson. In excess of 12,000 people were displaced, with some 7,000 seeking refuge in seven camps over several months. A state of emergency ordered in four townships in Meiktila was lifted only in July. In late May, two further incidents of communal violence erupted in Lashio, northern Shan State, leaving two people dead and causing extensive damage to houses, vehicles and market areas. On this occasion, the authorities appeared to have moved swiftly to restore order and, by late July, all but three families among the 1,400 people displaced were reported to have returned home.

47. My Special Adviser reached out to senior Muslim and Buddhist leaders, in addition to civil society and community leaders, during the violence in Meiktila, urging them to make a public appeal for tranquillity and public order to be restored and to promote harmony between the communities. On 24 March, he accompanied Aung Min, other officials and religious leaders to the affected areas in Meiktila and met victims who were provided refuge in a sports stadium, three schools and a monastery. He also surveyed the affected areas in Meiktila. At a meeting attended by government leaders and prominent leaders of the Buddhist, Muslim and Christian communities, he called for proactive efforts by the Government to restore public order, protect all citizens and maintain the rule of law, while requesting religious leaders to speak out publicly to their followers and urge them to abjure violence, lower tensions and promote harmony between the communities. Subsequently, he held meetings with the President and other government officials in Nay Pyi Taw, where he called for firm action against the perpetrators of the violent attacks.

48. The spillover of the plight of the Rohingya and the deteriorating communal situation in Myanmar was felt in neighbouring countries such as Indonesia and Malaysia. From June 2012 to March 2013, an estimated 27,800 people left Myanmar and Bangladesh by boat in search of safety and stability elsewhere. Most were reportedly Rohingya, with some Bangladeshis. Reports indicated that numerous women and children were engaging in such dangerous journeys in overcrowded and often unsafe boats. In 2013, Indonesia, Malaysia, Sri Lanka and Thailand experienced boat arrivals, with the Office of the United Nations High Commissioner for Refugees being provided with varying degrees of access to the people. In June, the Malaysian police reported that four Myanmar nationals had been killed in Kuala Lumpur. In Indonesia, apart from an attack on Myanmar fisherfolk in Medan by Rohingya refugees in March, a terrorist plot against the Myanmar embassy was reportedly foiled in May. There was also an attack on a Buddhist temple in Jakarta in August. These developments are worrisome. Relations between Myanmar and fellow ASEAN countries are being strongly affected, especially in view of the large number of Myanmar nationals living in the region as migrant workers. In addition, there are dangerous implications for the delicate social fabric of the entire region.

49. Amid growing international concern, there were also strong reactions, especially among the States members of the Organization of Islamic Cooperation, against what was perceived as the deliberate targeting of the Muslim community. On

10 July, I met the representatives of a contact group of the Organization of Islamic Cooperation on Rohingya Muslims, comprising Brunei Darussalam, Djibouti, Egypt, Saudi Arabia and Turkey. In that meeting, held in New York, the representatives expressed their deep concern over the intolerable and unacceptable violence in Myanmar and stressed the need for the international community to exercise its influence in curbing the violence and addressing the underlying core issues. In reflecting those concerns to the Myanmar authorities, my Special Adviser and I have been encouraging the Government to engage the international community more openly and to take early action to tackle the issues.

50. On 10 July, in letters addressed to the President, the Speaker of the Pyithu Hluttaw and the Leader of the Opposition, Daw Aung San Suu Kyi, I appealed to them to make a strong and united call to the people of Myanmar to urgently abjure violence, respect the law and promote peace. I believe that such a united voice could provide a healing element in the current troubled situation. The response received from all the leaders was positive. The President underlined the commitment of the Government to taking firm action against the perpetrators to the full extent of the law. In a strongly worded press statement on 26 July, the Government stressed that it paid serious attention to the paramount importance of trust and harmony between Buddhists and Muslims for lasting peace among the people. It called upon all to oppose hostilities of religious extremism and stand against those instigating the escalation of religious divergence and instability. It will be important for the international community to engage Myanmar constructively and support efforts by the Government to translate those commitments into specific action without further delay.

H. Situation of internally displaced persons in Rakhine State

51. The fluid security situation in Rakhine State, in addition to cumbersome bureaucratic procedures, has made the provision of a safe environment for the operation of humanitarian agencies a continuous challenge. This state of affairs was aggravated by a perception among the local Rakhine community that international agencies were showing particular bias towards only one community in the disbursement of humanitarian support. Logistics and difficulties relating to the nature of the terrain and waterways, in addition to the paucity of actors engaged in relief operations, have complicated the delivery of assistance to those newly affected. The Government has been appreciably stepping up efforts to ease bureaucratic procedures and address issues of access. Since October 2012, humanitarian partners have gained better access for needs assessments and aid delivery to affected areas, but obtaining travel authorizations to areas in which tensions are highest remains far from simple.

52. Security concerns continue to impede freedom of movement for both internally displaced persons and the communities hosting them, resulting in restricted access to health and education services and livelihoods. In May, most internally displaced persons were temporarily relocated in preparation for Tropical Storm Mahasen, but returned to their camps and host communities later in the month. The intercommunal situation, however, remains tense in these camps also. On 4 June, three Rohingya women were reportedly shot dead in a confrontation with security officials in Mrauk-U township after they protested against efforts to relocate them from housing that they had occupied since their original homes were burned down

in 2012. The authorities contest the assertion that the deaths occurred as a result of firing by security forces. In late June, a violent incident in a camp for internally displaced persons in Pauktaw township, temporarily sheltering some 4,400 Rohingya, left two internally displaced persons dead and six injured, including two minors. The violence is believed to have been triggered by a dispute between displaced people and a village leader.

53. As mentioned above, some local groups have accused the United Nations and non-governmental organizations of being biased towards the Rohingya, resulting in threats being made against humanitarian workers and their ability to operate in Rakhine State being reduced. The United Nations and its humanitarian partners remain committed to carrying out humanitarian operations and providing aid to the affected sections of the population without any religious or ethnic bias and in a manner that is always based on the principles of impartiality, neutrality and humanity. I appeal to the authorities to ensure the safety and security of humanitarian workers and to release those in detention.

III. Observations

54. In his speech to the General Assembly in September 2012, the President of Myanmar stressed that his country was leaving behind an authoritarian system characterized by strong centralization of administrative, legislative and judicial powers and that it had in place a democratic Government and a strong, viable parliament. Throughout each of its seven sessions, the parliament has reflected progressively greater openness in political debate, with legislators across the political spectrum playing a wider role in debates over issues of advancing economic development, tackling social and environmental concerns, creating new institutional structures to strengthen governance, backing peace efforts with erstwhile armed ethnic groups or indeed promoting the larger interests of harmony and inclusiveness within society. The evolution of stable and dynamic parliamentary institutions, while simultaneously instilling in them a new political culture, remains a significant achievement in a country that for decades had lacked such appurtenances of a stable and sustainable democracy. Although the reforms were initiated as, essentially, a top-down process, democratization is increasingly beginning to gather pace from the grass roots upwards.

55. The efficacy of the parliament has been recognized by Daw Aung San Suu Kyi, who has commented that the parliament is becoming stronger. During the remainder of its current term, the parliament is likely to be judged by how far it is able to prepare the ground for inclusive politics during the next elections and how it cooperates with the executive in providing a vision and a set of constitutional solutions and pragmatic policies to grapple with the sensitive issues and challenges facing the nation. Foremost among them will be the issue of constitutional amendment, which will encompass questions of further democratization and of ensuring a stable process of national reconciliation. Meanwhile, there will be other pressing issues that will need to be tackled, especially those of vital concern for the country's rural population, who constitute the bulk of the electorate. The biggest of these issues relates to the acquisition, allocation and use of land and will become only more complicated in the future. While the parliament will remain at the heart of change in the country, there can be no doubt that firm leadership will also need to be provided by the executive and that a strong and independent judiciary must be

allowed to emerge. The United Nations and the international community in general will have to provide greater support and assistance in critical areas such as the rule of law, electoral assistance, anti-corruption, police reform and judicial practice.

56. The President plans to treble the country's gross domestic product and reduce the number of people who live below the poverty line from 26 to 16 per cent by 2015. At successive workshops nationwide, the United Nations stressed the urgent need to step up investment in health, education and human resources development so that the benefits of the democratic transition would be visible in the daily lives of the people. Inclusive growth policies will be a key element of any campaign to take on poverty in a sustainable manner, as will emphasis on the provision of adequate social protection and support structures.

57. Of equal and commensurate significance is the effort by the Government to reach out to the ethnic groups hitherto outside the purview of its policies and encourage them to embrace the larger national purpose. As Aung Min said in March before a meeting in New York, the current Government was cognizant that it would have to look at the demands for regional autonomy for ethnic nationalities and considerations of power-sharing and resource-sharing from a fresh and altered perspective. This state of affairs is both a significant opportunity and a challenge for Myanmar and one in which it can expect sympathy, support and assistance from the international community, including the United Nations. The international community can assist in clearing landmines, in relief and rehabilitation efforts by providing shelter, food and jobs and in partnership in the running of businesses such as small-scale industry, agriculture and livestock breeding. In response to a request from the Government, I declared Myanmar eligible for support from the Peacebuilding Fund. Such support is intended to assist in short-term projects, including those that would help to realize early peace dividends. The United Nations will work closely with the Government, ethnic leaders and local communities in the design and implementation of all activities and will accord priority to participatory and inclusive approaches. My Special Adviser and the United Nations country team stand ready to provide further support in order to ensure the success of the projects.

58. The peace process is at a crucial juncture. The focus should be on supporting the significant groundwork carried out to date and working for a stable and nationwide ceasefire and the prompt initiation of an all-round political dialogue. Unity and political leadership will be vital for the success of the dialogue process in achieving true and sustainable reconciliation. Ethnic armed groups have taken bold steps in signing ceasefire agreements after decades of conflict. It is critical that all political and military leaders publicly acknowledge and endorse their courageous decisions. In this connection, the vision and statecraft provided by the leaders of the negotiating teams on both sides must be commended. As the process moves forward and various groupings and coalitions emerge, it is inevitable that the negotiation process will become increasingly complicated. It is the hope of the United Nations that the configuration of representative groupings that have emerged and shown readiness to engage with the authorities will be able to deal with these issues patiently and coherently, in close consultation with their constituents and in full awareness of the larger goals of national unity and reconciliation.

59. If there is one issue that could undermine the momentum of the historic transformation under way in Myanmar, it is the danger posed by the aggravation of the communal situation. The plight of the Muslim community in Rakhine State, which was originally based on citizenship concerns, has been exacerbated by the spread of the communal virus across the country, allegations of human rights

violations committed against the Rohingya population and wider Muslim community and the prospect of increased polarization between Buddhists and Muslims. I have received appeals, memorandums and démarches from government leaders, civil society organizations, human rights groups, political leaders and private individuals across the world, in which they expressed their deep concern over the plight of the Rohingya and sought my active intervention. In the General Assembly and in the Human Rights Council, Member States have strongly called for an end to the violence and for the urgent resolution of the root cause of the conflict, including by tackling accountability for human rights violations.

60. The Government must address the root cause of statelessness emanating from the application of the country's citizenship law. After the violent events of 2012, the commission of inquiry presented a report that, although cautious and balanced, provided a sobering reflection of the limitations faced by the Government in dealing with the situation of the Rohingya community within the context of heightened public sentiment generated by a strong sense of victimization within both majority and minority communities. The situation has led to tardy implementation of the practical measures suggested in the report. Even the temporary measures for resolving issues of citizenship and livelihood for some members of the Rohingya community under the rubric of the existing law have remained unaddressed and unimplemented to date. Unless the Government takes serious and urgent measures to tackle these issues, it is likely to convey a perception of a lack of will or unpreparedness to face public pressure, neither of which is good for its overall image.

61. The dissemination of hate literature must be dealt with and those responsible for the killing of innocent people held accountable. Discussion must also begin to encompass legislative solutions for incremental progress in providing political, social and economic rights to the Rohingya community. Confidence-building and trust-building measures between communities and between communities and the Government are urgently and critically needed to push forward solutions for the internally displaced population and avoid escalation of tension. Decisions affecting the lives of internally displaced persons and communities must be taken through peaceful dialogue and consultation with those affected. The decision of the Government on 12 July to disband the border security force (the Nasaka) is likely to send a positive signal to the affected communities in the region and has been welcomed by the international community. More such specific and tangible steps will ensure that the goodwill generated internationally by the reform process for Myanmar is maintained and that the people continue to benefit therefrom.

62. It will be important for the international community to continue to provide strong and constructive support to Myanmar during this delicate transition. In this context, I appreciate the understanding and support provided by members of international community to my Special Adviser in his efforts to reach out to all relevant stakeholders in Myanmar. Taking note of the expression of support from Member States for the continuation of my good offices and recognizing that the United Nations can offer much constructive assistance in maintaining and reinforcing the positive trajectory of the reform process, I would like to urge Member States to consider positively any decision that would enable my Special Adviser to continue his work to assist Myanmar in effectively achieving key milestones in its path towards political and economic transformation, including preparations for the elections to be held in 2015.

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Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and strengthening of the United Nations Human Settlements Programme (UN-Habitat)

Report of the Secretary-General

Summary

The present report, submitted pursuant to paragraph 19 of General Assembly resolution 67/216, provides a description of the activities of the United Nations Human Settlements Programme (UN-Habitat) since the issuance of the previous report (A/67/263) in implementing the outcome of the second United Nations Conference on Human Settlements (Habitat II) and in strengthening UN-Habitat.

It contains a summary of the outcomes of the twenty-fourth session of the Governing Council of UN-Habitat that relate to policy. In particular, it highlights the content of eight Governing Council resolutions, including those on World Cities Day, inputs for and support to the preparatory process of the third United Nations Conference on Housing and Sustainable Urban Development (Habitat III) and the strategic plan for 2014-2019 and the work programme and budget of UN-Habitat for the biennium 2014-2015.

The report also provides a description of progress made in the implementation of four major issues highlighted by the General Assembly in its resolution 67/216: preparations for Habitat III; review of the governance of UN-Habitat; financial developments in UN-Habitat; and UN-Habitat input to the post-2015 United Nations development agenda.

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Furthermore, the report provides a description of some significant programme activities undertaken during the reporting period: the sixth session of the World Urban Forum and preparations for the seventh session of the Forum; the publication of the *State of the World's Cities 2012/2013: Prosperity of Cities* report; World Habitat Day 2012; and regional ministerial meetings on housing and urban development. It concludes with a number of recommendations relating to both human settlements policy matters and Habitat III.

I. Introduction

1. The present report is submitted pursuant to paragraph 19 of General Assembly resolution 67/216 on the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and the strengthening of the United Nations Human Settlements Programme (UN-Habitat).

II. Action taken by the Governing Council of the United Nations Human Settlements Programme at its twenty-fourth session

2. The twenty-fourth session of the Governing Council of UN-Habitat was held in Nairobi from 15 to 19 April 2013, with the special theme "Sustainable urban development: the role of cities in creating improved economic opportunities for all, with special reference to youth and gender".

3. Among the most important actions taken by the Governing Council was a review of progress made in the implementation of the medium-term strategic and institutional plan for the period 2008-2013. In addition, the Council held discussions and adopted key resolutions on the following subjects, among others: World Cities Day; pursuing sustainable development through national urban policies; making slums history; inclusive national and local housing strategies to achieve the Global Housing Strategy paradigm shift; urbanization and sustainable urban development in the post-2015 development agenda; promoting sustainable urban development by creating improved economic opportunities for all, with special reference to youth and gender; inputs for and support to the preparatory process of the third United Nations conference on housing and sustainable urban development (Habitat III); and the strategic plan for 2014-2019 and the work programme and budget of UN-Habitat for the biennium 2014-2015.

4. The first seven resolutions are summarized below, while the eighth is summarized in section III.

A. Resolution 24/1: World Cities Day

5. By its resolution 24/1 on World Cities Day, the Governing Council decided to recommend to the General Assembly that, beginning in 2014, 31 October of every year should be designated as World Cities Day.

6. The resolution was based on the recognition that more than 50 per cent of the global population now live in cities; that the process of urbanization remains rapid, especially in Africa and Asia; that sustainable urban development has become one of the most pressing global challenges in the twenty-first century; and that Governments must pay greater attention to and investigate critical issues in urbanization and make joint efforts to build greener, more liveable, convenient, harmonious and environment-friendly cities.

7. The resolution was adopted also in follow-up to the Shanghai Declaration adopted by the Bureau International des Expositions and the Organizing Committee of Expo 2010 on 31 October 2010, in which it was proposed to nominate 31 October as World Better Cities Day.

8. In addition, the resolution was in response to the commitment to planning and building sustainable cities and urban settlements made by Heads of State and Government in June 2012 in paragraph 134 of the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want".

B. Resolution 24/5: Pursuing sustainable development through national urban policies

9. In its resolution 24/5 on pursuing sustainable development through national urban policies, the Governing Council:

(a) Encouraged Governments to initiate processes to review, strengthen and develop national urban policies where appropriate as a key strategy for national social and economic development, to maximize the national and local benefits of urbanization, while mitigating potential adverse externalities, and as a coordination mechanism among different sectors and ministries;

(b) Requested the Executive Director of UN-Habitat in consultation with the Committee of Permanent Representatives to develop a general guiding framework for the development, where appropriate, of national urban policies, based on international good experiences, to further support member States when developing and improving their urban policies;

(c) Invited member States to facilitate participatory processes and wide stakeholder participation, including local authorities and their associations, when developing, revising and implementing national urban policies;

(d) Encouraged Governments and Habitat Agenda partners to use planned city extension methodologies to guide the sustainable development of cities experiencing rapid urban growth, to prevent slum proliferation, enhance access to basic urban services, support inclusive housing, enhance job opportunities and create a safe and healthy living environment.

C. Resolution 24/7: Making slums history: a worldwide challenge

10. In its resolution 24/7, entitled "Making slums history: a worldwide challenge", the Governing Council recalled, among other things, Goal 7 of the Millennium Development Goals, and in particular its target 7.D, by 2020 to have achieved a significant improvement in the lives of at least 100 million slum dwellers, and took note of the Rabat Declaration, through which participants had committed themselves to support through the intergovernmental bodies of the United Nations the definition of a global goal of halving the proportion of people living in slums. The Council then:

(a) Invited member States to implement the universal principles for slum upgrading and prevention, such as prohibiting unlawful evictions, empowering women and youth, making slum upgrading interventions affordable and accessible, ensuring public participation regardless of race, sex, religious affiliation and social and economic status, and promoting accountability and transparency in all programmes;

(b) Encouraged member States to consider the possibility of formulating, implementing and promoting inclusive urban policies, legislation and housing strategies that ensured efficient institutional frameworks, mechanisms for decentralization and strengthening of local authorities, and provided mixed land uses and tenure types to enhance local development and sustainable participatory slum upgrading and prevention;

(c) Invited member States to apply more systematically urban planning methods, including participatory processes, adapted to the needs of incremental urbanization standards and compact, better integrated and connected urban development patterns;

(d) Invited member States to increase the allocation of financial and human resources for slum upgrading and prevention and to establish financing strategies that mobilized public subsidies and income generated by land regularization and reallocation processes to develop investment plans for infrastructure and services;

(e) Invited member States to promote housing policies integrating sustainable approaches for energy efficiency in housing and human settlements that respected the environment and used innovative techniques and materials.

D. Resolution 24/9: Inclusive national and local housing strategies to achieve the Global Housing Strategy paradigm shift

11. In its resolution 24/9 on inclusive national and local housing strategies to achieve the Global Housing Strategy paradigm shift, the Governing Council requested UN-Habitat to pursue the expected outcomes of the Global Housing Strategy, in collaboration with other United Nations agencies, including the United Nations Environment Programme, by proposing a paradigm shift, where needed, including the integration of housing with other urban uses; encouraging the pro-poor performance of markets; promoting system-wide reforms to enable wider access to adequate housing solutions; strengthening linkages between housing, the economy, employment and poverty reduction; using sustainable building and neighbourhood designs and contributing to improving the living conditions of slum dwellers.

12. The Governing Council also invited central and local governments to engage with UN-Habitat in global and regional platforms, including the Global Housing Strategy network, in collaboration with other United Nations bodies and regional organizations, to share evidence-based knowledge, experiences and effective innovative practices in housing and slum upgrading that demonstrated the new paradigm.

E. Resolution 24/10: Urbanization and sustainable urban development in the post-2015 agenda

13. In its resolution 24/10 on urbanization and sustainable urban development in the post-2015 agenda, the Governing Council requested the Executive Director, in consultation with the Committee of Permanent Representatives, to ensure that UN-Habitat contributed to the development and implementation of the post-2015 development agenda in order to promote sustainable urbanization. It also encouraged Governments and Habitat Agenda partners to give appropriate

consideration in their contributions to the post-2015 development agenda to sustainable urbanization, to sustainable urban development and to the role of cities and local governments in that regard.

14. The resolution was partly in follow-up to the outcome document of the United Nations Conference on Sustainable Development, in which Heads of State and Government recognized, in paragraph 134, the role of well-planned and managed cities in promoting economically, socially and environmentally sustainable societies. It was also in follow-up to General Assembly resolution 67/216, in paragraph 2 of which the Assembly encouraged giving appropriate consideration to sustainable urbanization in the elaboration of the post 2015 United Nations development agenda.

F. Resolution 24/11: Promoting sustainable urban development by creating improved economic opportunities for all, with special reference to youth and gender

15. In its resolution 24/11 on promoting sustainable urban development by creating improved economic opportunities for all, with special reference to youth and gender, the Governing Council welcomed the dialogue on the topic held during its session. The Council encouraged Governments, among other things:

(a) To apply good urban planning policies to enhance economic productivity and equity, to implement economic empowerment programmes that created opportunities, with special reference to youth and women, and to adopt innovative tools for generating additional resources for local authorities in addressing urban planning matters, including through land and property value capture;

(b) To foster a participatory approach to sustainable human settlements through the development and support of strategies and mechanisms that encouraged open and inclusive dialogue among all interested parties, with special attention to the needs and priorities of youth, women and vulnerable population groups in urban and rural areas, including children, the elderly, people with disabilities and minorities.

16. The Governing Council also requested the Executive Director:

(a) To continue working with partners to promote pro-poor land-based financing as a means of supporting urban development, densification and extension through, inter alia, land and property value capture and land and property taxation by documenting and disseminating good practices and developing innovative tools and instruments;

(b) To strengthen the UN-Habitat knowledge base, disseminate that knowledge to member States and provide support to member States on urban economy and municipal finance, including by documenting and disseminating good practices and tools on the economics of urban form, economic development strategies, urban small-scale and informal economies and the economic empowerment of youth and women.

G. Resolution 24/15: Strategic plan for 2014-2019 and the work programme and budget of the United Nations Human Settlements Programme for the biennium 2014-2015

17. Having considered the draft strategic plan for 2014-2019 and the proposed work programme and budget of the United Nations Habitat and Human Settlements Foundation for the biennium 2014-2015 and the recommendations of the Advisory Committee on Administrative and Budgetary Questions, the Governing Council, by its resolution 24/15 on the strategic plan for 2014-2019 and the work programme and budget of UN-Habitat for the biennium 2014-2015, approved the strategic plan for the period 2014-2019 and the work programme for the biennium 2014-2015.

18. The Council also approved, for the biennium 2014-2015, the general purpose budget of $45,617,400, endorsed the special purpose budget of $123,187,800 and noted an estimated technical cooperation funding of $202,482,400.

19. The strategic plan has seven focus areas, its priority focus areas being urban legislation, land and governance; urban planning and design; urban economy; and urban basic services. The other focus areas are housing and slum upgrading; risk reduction and rehabilitation; and research and capacity development. The plan has four cross-cutting issues: gender; youth; climate change; and human rights within the context of advancing the goals and mandate of UN-Habitat, as set out in the Istanbul Declaration on Human Settlements and the Habitat Agenda.

20. The strategic plan also has a clear results framework, with expected accomplishments (or results) and indicators of achievement. It specifies how the plan will be implemented through three bienniums (2014-2015, 2016-2017 and 2018-2019) and how the plan will be monitored and evaluated. It also makes provision for revision of its content at the end of 2016, following the adoption of the post-2015 United Nations development agenda at the end of 2015 and the holding of Habitat III in 2016.

21. For the first time, the strategic plan, programme budget and organizational structure of UN-Habitat are fully aligned. The seven focus areas of the strategic plan are identical to the seven subprogrammes of the programme budget. In addition, both the strategic plan and the programme budget are fully aligned with the seven thematic branches that are at the core of the new organizational structure of UN-Habitat.

III. Update on progress in preparations for Habitat III

22. The General Assembly, in paragraph 19 of its resolution 67/216, requested the Secretary-General of the United Nations to submit, at its sixty-eighth session, an update on progress made in the preparations for Habitat III. The information below is provided in response to that request.

23. In paragraph 14 of the resolution, the General Assembly requested the Secretary-General of Habitat III to prepare, using the expertise of the United Nations system, a proposal, for consideration by the Governing Council of UN-Habitat at its twenty-fourth session, on how best to provide inputs for and support to the preparatory process of the conference in the most inclusive, efficient, effective and improved manner, and to proceed accordingly.

24. In response, the Executive Director of UN-Habitat, in his capacity as Secretary-General of the conference, presented the requested proposal to the Governing Council at its twenty-fourth session. The Council was requested to decide on the documentation and meetings that would constitute the inputs and support of UN-Habitat and the United Nations system to the preparatory process for Habitat III. The proposal was accompanied by a proposed road map and a draft budget for the preparatory process.

25. An estimated amount of $12,861,300 was foreseen for the Habitat III preparatory process and the conference itself, of which $9,073,100 would be mobilized for the Habitat III trust fund and $3,788,200 would be requested from the regular budget. The amount included the cost of conference support and preparatory activities, conference services and safety and security, in addition to the cost of participation of representatives of developing countries in the preparatory process and the conference itself, in line with paragraph 13 of General Assembly resolution 67/216. Of the amount to be requested from the regular budget, $95,000 would be required in 2013 and $2,611,400 for the biennium 2014-2015. The remaining amount of $1,081,800 would be required for the biennium 2016-2017.

A. Proposed preparatory activities: documentation

26. It is clear from paragraphs 6 (a) and 6 (c) of General Assembly resolution 67/216 that the expectation of the Assembly is that the outcome document of Habitat III will be evidence-based and should also be based on a highly inclusive preparatory process. In his proposal to the Governing Council, the Secretary-General of the conference therefore suggested that UN-Habitat, with assistance from the United Nations system as a whole, should provide the following input and support in the preparation of documentation for the preparatory process:

(a) Assist countries to establish or strengthen national Habitat committees, consisting of representatives of Governments, civil society, the private sector and all relevant stakeholders, which would be responsible for, among other things, the preparation of national Habitat III reports;

(b) Assist countries to carry out national assessments to identify achievements attained and challenges encountered in the implementation of the Habitat Agenda and of other relevant internationally agreed goals and targets, and to identify emerging challenges and issues for inclusion in the new urban agenda;

(c) Lead the preparation of regional synthesis reports (based on national reports), using the expertise of the United Nations system as a whole;

(d) Lead the preparation of a global report synthesizing the results of national and regional assessments, using the expertise of the United Nations system as a whole.

B. Proposed preparatory activities: meetings during the period 2013-2015

27. In paragraph 12 of its resolution 67/216, the General Assembly encouraged stakeholders gathered at the seventh session of the World Urban Forum, as well as at

the regular ministerial conferences on housing and urban development and other relevant expert group meetings, to provide inputs and to contribute as appropriate to the process leading to the conference. Consequently, the Secretary-General of Habitat III proposed to the Governing Council that UN-Habitat, with assistance from the United Nations system as a whole, should provide the following input and support with regard to the organization of meetings as part of the Habitat III preparatory process:

Meetings during 2013

(a) Organize a global virtual meeting of experts, member State representatives and Habitat Agenda partners to discuss the design and implementation of the national assessment project before its launch, focusing on guidelines and a format for the preparation of national Habitat III reports, so as to ensure comparability of national assessments;

Meetings from January 2014 to March 2015

(b) Organize a meeting of member State representatives and Habitat Agenda partners during the seventh session of the World Urban Forum, to be held in April 2014 in Medellin, Colombia, to discuss preliminary results emerging from national assessments and preliminary ideas that could be included in a new urban agenda;

(c) Organize five regional conferences, some of which could be virtual, to discuss regional progress in the implementation of the Habitat Agenda and other relevant international goals and targets, as well as issues that could be included in a new urban agenda, for Europe, North America, Africa (during a meeting of the African Ministerial Conference on Housing and Urban Development), Asia and the Pacific (during a meeting of the Asia-Pacific Ministerial Conference on Housing and Urban Development) and Latin America and the Caribbean (during a general assembly of the Regional Meeting of Ministers and High-level Authorities of the Housing and Urban Development Sector in Latin America and the Caribbean);

(d) Organize a global virtual conference to discuss the results of the forward-looking regional and global assessment reports on the implementation of the Habitat Agenda and relevant internationally agreed goals and targets, as well as new issues that could be included in the new urban agenda.

C. Resolution of the Governing Council on Habitat III

28. In its resolution 24/14 on inputs for and support to the preparatory process of Habitat III, the Governing Council took note of the proposal of the Executive Director and, among other things:

(a) Requested the Secretary-General of the conference, in his capacity as Executive Director, and in consultation with the Committee of Permanent Representatives, to refine his proposed input to the preparatory process, by considering possible contributions from United Nations system organizations and Habitat Agenda partners; presenting strategic options for the contribution of UN-Habitat to the preparatory process; including the provision of an updated think piece about the future of urbanization and sustainable human settlements and urban

development to conceptually inform the inputs; and suggesting guidelines and format for the preparation of national reports;

(b) Called upon Member States, using any available assistance and necessary guidance and support from UN-Habitat, and in consultation with relevant stakeholders, to form national Habitat committees where they did not exist and strengthen the existing national Habitat committees to ensure their effective and efficient participation in the Habitat III preparatory process, including the preparation of national reports;

(c) Invited member States to prepare, before the first meeting of the Preparatory Committee for Habitat III, to be held in New York during the sixty-ninth session of the General Assembly, national reports which considered the implementation of the Habitat II agenda and of other relevant internationally agreed goals and targets, as well as new challenges, emerging trends and a prospective vision for sustainable human settlements and urban development, as a basis for the formulation of a new urban agenda, in line with paragraph 6 of General Assembly resolution 67/216;

(d) Requested the Secretary General of the conference, using the expertise of UN-Habitat and of the United Nations system as a whole and, specifically, in cooperation with the United Nations regional commissions, and of other relevant international, regional and subregional organizations, to prepare regional reports drawing on the national reports as well as on available knowledge, resources and data, as inputs to the first and second meetings of the Preparatory Committee for Habitat III;

(e) Also requested the Secretary General of the conference, using the expertise of UN-Habitat and of the United Nations system as a whole and, specifically, in cooperation with the United Nations regional commissions, and of other relevant international, regional and subregional international organizations, to prepare a global report drawing on the national and regional reports, and also on available knowledge, resources and data, as an input to and support for the preparatory process of the conference;

(f) Further requested the Secretary-General of the conference to use planned regional and global meetings such as the seventh session of the World Urban Forum, sessions of the United Nations regional commissions and regular sessions of regional ministerial conferences on housing and urban development, and also of other relevant regional intergovernmental meetings, for the development of the UN-Habitat input to the preparatory process and invited the conveners of those events to facilitate dialogue on key issues in order to provide inputs to the first and second meetings of the Preparatory Committee, while ensuring that the quality of participation and the outcomes were not compromised;

(g) Urged international and bilateral donors, and also the private sector, financial institutions, foundations and other donors, to support the national, regional and global preparations for the conference through voluntary contributions to the trust fund and to support the participation of representatives of developing countries to meetings of the Preparatory Committee and to the conference itself.

D. Activities undertaken following the twenty-fourth session of the Governing Council

29. Following the twenty-fourth session of the Governing Council, and in line with resolution 24/14, UN-Habitat has worked on refining the Habitat III proposal submitted to the Council.

30. First, in line with paragraph 2 (a) of the resolution, UN-Habitat has prepared draft proposals on the contributions of the United Nations system and Habitat Agenda partners to the preparatory process. The proposals include the establishment of a system-wide coordination mechanism for Habitat III. This particular component of the proposals was discussed at the inaugural inter-agency meeting on Habitat III, held in Geneva on 3 July on the margins of the high-level segment of the substantive session of 2013 of the Economic and Social Council, at which it was agreed to establish a United Nations inter-agency coordinating committee for Habitat III.

31. The proposals also contain a political strategy on working with Governments, including the identification of Habitat III champions in each region. The proposals will be discussed with member States and Habitat Agenda partners during the seventh session of the World Urban Forum, in April 2014. The component of the proposals dealing with Habitat Agenda partners, including local authorities, will be further developed and submitted to the Preparatory Committee at its first meeting, in September 2014, in line with paragraph 11 of General Assembly resolution 67/216.

32. Second, in line with paragraph 2 (b) of Governing Council resolution 24/14, UN-Habitat has developed two strategic options for its input to the preparatory process. Each option envisages a different level of funding. UN-Habitat will, of course, put maximum effort into raising sufficient funds for the best-case scenario, which has been estimated to cost some $12 million.

33. Third, in line with paragraph 2 (c) of the resolution, UN-Habitat has prepared a draft think piece. It updates the rationale document prepared in 2011 for the General Assembly, on the basis of which the decision to hold Habitat III was taken. Intended to conceptually inform the preparatory process, it is based on a new vision of the role of sustainable urbanization in sustainable development. It is also based on a new vision of the city, the city of the twenty-first century. It has been shared with other programmes, funds and specialized agencies within the United Nations system, as well as with member States.

34. Fourth, in line with paragraph 2 (d) of the resolution, UN-Habitat has developed draft guidelines for the preparation of national reports. They were initially discussed during a meeting of the Committee of Permanent Representatives held on 23 July. They were further discussed with all stakeholders, including Governments and Habitat Agenda partners, during an electronic dialogue held in August. The dialogue was intended to reach consensus on the content and format of national reports.

35. Countries will, of course, be free to choose how their reports will be prepared. UN-Habitat is, however, encouraging countries to create inclusive national Habitat committees and to use them to prepare the reports. To this end, the Secretary-General of the conference had already written to all Governments in connection with the matter in January 2013, attaching guidelines on the creation, possible composition and functions of such committees.

36. Lastly, UN-Habitat also completed the documents required for the operationalization of the trust fund and submitted them to the Controller, including a proposed budget. The trust fund is now operational, as is a resource mobilization action plan.

IV. Outcome of the governance review process

37. The General Assembly, in paragraph 17 of its resolution 67/216, invited the Executive Director to present to the Assembly, at its sixty-seventh session, as appropriate, the outcomes of the governance review process, for consideration by the Assembly at its sixty-eighth session and encouraged the Executive Director and the Committee of Permanent Representatives to continue their efforts to improve the efficiency, effectiveness, transparency and accountability of UN-Habitat.

38. That invitation came in follow-up to the Governing Council's request, in its resolution 23/13, to the Executive Director, jointly with the Committee of Permanent Representatives, to further examine the range of options presented in the preliminary review of the governance structure of UN-Habitat carried out before the Council's twenty-third session, held in April 2011. The Executive Director was specifically requested to further examine the options for reform and develop a preferred option; to develop a procedure for the examination phase; to seek consensus among member States on the identified option; and to develop an action plan and submit it to the General Assembly at its sixty-seventh session, if possible.

39. In response to the resolution, the Committee established an open-ended consultative group on governance review to oversee the process. Its terms of reference were adopted at the forty-third regular session of the Committee, on 15 December 2011.

40. The Consultative Group proceeded to establish four task force teams to analyse each of the four governance challenges identified by the Group on the basis of a report entitled "Review of the governance structure of the United Nations Human Settlements Programme, phase III" (HSP/GC/23/INF/7) and to provide proposals for action and recommendations on options to tackle those challenges.

41. During the first quarter of 2012, all four task force teams completed their work and submitted their findings and proposals to the Committee at its forty-fourth regular session, held on 3 April 2012. Further comparison with other governance models was then conducted, as stipulated in the terms of reference.

42. The Consultative Group decided that UN-Habitat should recruit a consultant to compile the comparative analysis report and a report on governance options. The assignment was carried out in consultation with members of the Group. The consultant later submitted the work to the Group.

43. The comparative analysis report included options to strengthen the role of UN-Habitat governing bodies in decision-making processes, on the basis of other governance models within the United Nations system. Issues of representation and efficiency were also considered.

44. Based on the comparative analysis report, the Consultative Group moved on to the next step of the process in October 2012, which was to elaborate a report on

governance reform options based on the findings of the four task force teams regarding governance challenges and the comparative analysis.

45. The report on governance reform options was submitted to the Committee on 19 December 2012 for comments and amendments. A new version was prepared thereafter in the light of the comments made and submitted to the Consultative Group at a meeting held on 11 February 2013.

46. Given that the aim of the governance review is to overcome limitations and inefficiencies in the current governance structure so as to ensure that institutional arrangements contribute to improved delivery of the UN-Habitat mandate, the report set out the following four governance reform options:

(a) *Managerial/incremental reform option*. The key attributes of this option include increasing the frequency of Governing Council sessions, expanding the membership of the Council, enhancing the role of other stakeholders and increasing oversight;

(b) *Universal membership option*. This option involves establishing universal membership of the Council, granting global representation and making the Council the superior institutional decision-making body. The Committee would remain an intersessional body with a strengthened mandate;

(c) *Executive board option*. This option entails establishing an executive board to replace the Council. The board, which would remain a subsidiary body of the General Assembly, would provide enhanced oversight of normative and operational activities, would meet once a year and could establish a subsidiary body if deemed necessary;

(d) *Combined hybrid option*. This option has largely the same characteristics as the executive board option, but adds a broad and high-level council or commission as a highly representative policymaking body.

47. The report set out the advantages and disadvantages of the options, with each option being scored against the four performance criteria of transparency, efficiency, effectiveness and accountability, and voice and representation. There was no consensus within the Committee on how to move forward on the basis of the above options. It was therefore agreed to identify facilitators.

48. The Chair of the Consultative Group, at a meeting held on 11 February 2013, designated two facilitators, also members of the Committee, to work together in identifying potential areas of agreement that could serve as a basis for an agreed position to be submitted to the Governing Council at its twenty-fourth session.

49. Areas of agreement could not be identified during the facilitation process. At the twenty-fourth session of the Governing Council, discussions on the governance review were carried out in the context of the consideration of a draft resolution on the strengthening of UN-Habitat. Again, member States could not agree on a reform option and on how to proceed.

50. Subsequently, the secretariat of UN-Habitat requested the President of the Governing Council to explore, in consultation with the Committee, how to narrow the differences among member States and how to proceed with the governance review process.

V. Update on financial developments

51. Income projections for the biennium 2012-2013 have remained at $60.4 million and $283 million for non-earmarked and earmarked income, respectively. As at 30 June 2013, $45.4 million (or 75 per cent of the projection) had been received in non-earmarked income, while $237.7 million (or 84 per cent of the projection) had been received in earmarked income.

52. A number of developments have occurred since the issuance of the previous report, most of them aimed at improving the financial position of UN-Habitat. During the first quarter of 2013, UN-Habitat developed a resource mobilization strategy and action plan aimed at increasing sustainable non-earmarked funding for core activities from traditional donor countries, middle-income countries and non-traditional donors. The strategy was also aimed at increasing the level of earmarked contributions through the development of large-scale programmes targeted at specific regional priorities. In addition, the action plan included establishment of a resource mobilization unit. The resource mobilization strategy was submitted to the Committee of Permanent Representatives, from which positive feedback was received.

53. UN-Habitat has also taken steps to enhance and expand its project portfolio through the establishment of two revolving funds, the Internal Development Fund and the Emergency Fund. The funds are to facilitate project acquisition by financing pre-investment activities.

54. A new policy framework, supported by new procedures and systems, has been established to enhance productivity, efficiency, transparency and accountability. It is expected that the measures will help to attract more earmarked contributions and enhance the overall implementation rate of UN-Habitat programmes, thereby generating higher levels of overhead income.

55. During the reporting period, UN-Habitat continued to control core expenditure through a wide range of measures, including reducing travel costs, limiting new recruitment to critical positions, aligning expenditure more closely with forecast income and establishing a matrix organizational structure to enable more flexible allocation of staff. It also established a cost allocation and recovery policy, in line with the principles outlined by the General Assembly in its resolution 67/226, to enable more accurate attribution of costs to projects and thereby ensure that core income is dedicated to its core normative work.

56. The above measures and the wider organizational reforms recently undertaken by UN-Habitat have begun to yield positive results and are expected to lead to a reduction in the core deficit during the biennium 2014-2015.

VI. Sustainable urbanization and the post-2015 United Nations development agenda

57. In paragraph 2 of its resolution 67/216, the General Assembly encouraged giving appropriate consideration to sustainable urbanization in the elaboration of the post-2015 United Nations development agenda.

58. In follow-up, and during the reporting period, UN-Habitat continued to participate in key processes to shape the post-2015 United Nations development agenda, including the work of the Open Working Group on Sustainable Development Goals. The objective of UN-Habitat engagement in the processes was to explain the role of sustainable urbanization and cities in sustainable national development and also to highlight the need for continued and concerted focus on tackling the challenge of slums.

59. When the United Nations Millennium Declaration was adopted in 2000, most of humanity lived in rural areas. Thirteen years later, more than 50 per cent of the world's population is urbanized. As recently as 1950, the number of people living in urban centres was slightly higher in developed countries (58.5 per cent) than in developing countries. Today, of every 10 urban residents in the world, more than 7 are found in developing countries. By 2035, all developing regions, most notably Asia and Africa, will be more urban than rural. Moreover, of the new urban-dwellers that will be added to the world's urban population between now and 2050, more than 90 per cent will be bor.. in a developing country.

60. It is clear that urbanization is a significant demographic phenomenon in developing countries, especially in sub-Saharan Africa and Asia, and that the problems posed by cities are a serious development challenge. For example, cities contribute up to 70 per cent of the world's greenhouse-gas emissions. In paragraph 134 of the outcome document of the United Nations Conference on Sustainable Development, however, Governments also recognized that cities were a major development opportunity, noting that, if well planned and developed, including through integrated planning and management approaches, they could promote economically, socially and environmentally sustainable societies. Cities currently contribute a global average of 70 per cent of national gross domestic product, meaning that urban-based solutions have a critical role to play in taking on the climate change challenge.

61. It is therefore important that the post-2015 development agenda, including the output of the Open Working Group on Sustainable Development Goals, recognize the need to promote cities that are environmentally sustainable, socially inclusive, economically productive and resilient. In this context, specific attention would need to be paid to deliverables such as improved access to adequate housing, water, sanitation, domestic energy and public transport. Attention would also need to be paid to broader processes such as enhancing inclusive national urban policies and reducing the rate of increase of urban land cover and urban sprawl, in addition to policies or plans to strengthen urban resilience.

62. The Millennium Development Goal of improving the lives of at least 100 million slum dwellers by 2020 has already been met twice over and 10 years in advance. More than 200 million slum dwellers have benefitted from improved water sources, sanitation facilities, durable housing or sufficient living space in the period 2000-2010. It should be recognized, however, that, while the target has been met, 868 million people in developing countries (or 33 per cent of the total urban population in those countries) continue to live in slums. There is, therefore, a need for Governments and the international community to step up their slum prevention and slum upgrading efforts. There is also a need to ensure that a fresh target on slums is set in the post-2015 agenda.

63. In the light of the above trends and challenges, UN-Habitat continued to participate in the work of the United Nations System Task Team on the Post-2015 United Nations Development Agenda and its Working Group on Indicators. UN-Habitat also co-led a thematic consultation on population dynamics, part of 11 thematic consultations organized by the Millennium Development Goals Task Force. In addition, it contributed to five other thematic consultations relevant to its mandate: those on environmental sustainability, governance, energy, water and inequalities.

64. UN-Habitat also provided input on sustainable urbanization to the High-level Panel of Eminent Persons on the Post-2015 Development Agenda. It participated in the technical support team of the Open Working Group on Sustainable Development Goals and in the activities of the Sustainable Cities Group of the United Nations Sustainable Development Solutions Network. The latter has recognized the need for the post-2015 development agenda to empower inclusive, productive and resilient cities.

65. In addition, UN-Habitat worked, and will continue to work, with Governments at the country level to explain the importance of sustainable urbanization in national development in the context of discussions on the post-2015 development agenda and with regard to national preparations for Habitat III.

VII. Significant programme activities

66. UN-Habitat carried out a number of significant programme activities during the reporting period, including holding the sixth session of the World Urban Forum, undertaking preparations for the seventh session of the Forum, publishing the *State of the World's Cities 2012/2013: Prosperity of Cities* report, organizing World Habitat Day 2012 and participating in regional ministerial conferences on housing and urban development.

A. Sixth session of the World Urban Forum and preparations for the seventh session of the Forum

67. UN-Habitat organized, in conjunction with various Italian authorities, the sixth session of the World Urban Forum, which was held in Naples in September 2012. The theme was "The urban future". More than 440 events were held, consisting of dialogues, round tables, special sessions, networking, training and parallel and side events.

68. A total of 8,209 people attended, representing a record-high number of 152 countries. Most were from outside the host country. Some 112 official national government delegations attended, with 433 participants from various ministerial departments. Most (72 per cent) of the participants from national ministries were representatives of ministries dealing directly with urban issues, i.e. ministries of housing, urban development, cities, works, roads, transport and infrastructure and local authorities. More than 80 per cent of the least developed countries were represented.

69. A major feature of the Forum was an international exhibition with 80 booths open to local people and registered participants. The lively exhibition was visited by

26,956 people, facilitating networking. UN-Habitat signed memorandums of understanding on the advancement of the urban agenda with various partners.

70. A United Nations high-level inter-agency meeting attended by representatives of 17 United Nations funds, programmes and agencies was organized. The participants recommended the establishment of a United Nations system-wide mechanism for coordinating sustainable urbanization. Parallel events on urban development and health and on urban risk reduction and the resilience of cities were organized in collaboration with the World Health Organization and the United Nations Office for Disaster Risk Reduction, respectively.

71. With regard to preparations for the seventh session of the Forum, significant progress has been made. The seventh session will be held from 5 to 11 April 2014, in Medellín, Colombia. The host country agreement has been signed and it has been agreed that UN-Habitat and the municipality of Medellín will cover the participation of a limited number of participants from least developed countries.

72. The venue will be the Plaza Mayor Convention and Exhibition Centre, which is located in the business district of the city. The theme will be "Urban equity in development: cities for life". The official website (www.unhabitat.org/wuf) has been established and updated information will be posted as it becomes available.

73. As in the past, the session will divided into dialogues, networking and side events, youth, gender and business assemblies, special sessions, round tables and training and other parallel events. There will also be an exhibition open to accredited participants and the general public. Online registration for the session opened on 17 July and will close on 16 March 2014.

B. *State of the World's Cities 2012/2013*

74. During the reporting period, a report, *State of the World's Cities 2012/2013: Prosperity of Cities*, was published. A preliminary draft was launched during the sixth session of the World Urban Forum, while the final version was published early in 2013.

75. The report presents, with solid evidence, some of the factors underlying recent and current crises that have significantly affected cities, including financial, economic, environmental, social and political crises. It shows that a lopsided focus on economic prosperity has led to increasing inequalities between the rich and the poor, generated serious distortions in the form and functioning of cities, caused serious damage to the environment and unleashed precarious financial systems that cannot be sustained in the long run.

76. The report proposes a fresh approach to prosperity, one that is holistic and integrated and that is essential for the promotion of collective well-being and fulfilment for all. To measure the current and future progress of cities towards the prosperity path, the report introduces a new tool, a city prosperity index, together with a conceptual matrix, a wheel of prosperity.

77. The findings of the report resonate with a key concern raised by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda and by other bodies working towards that agenda, i.e. the high level of inequality in the world,

both among and within countries, and the need for inclusive growth and related policies and strategies.

78. UN-Habitat continued its series of regional reports on the state of cities as a means of identifying key trends, including challenges and opportunities, and raising awareness of urbanization issues at the regional level. During the reporting period, UN-Habitat prepared two regional reports: *The State of Arab Cities 2012: Challenges of Urban Transition* and *State of the Latin American and Caribbean Cities 2012: Towards a New Urbanization*. Both publications set out a number of urban issues that, if addressed, will ensure a more stable, equitable and sustainable future for both regions.

C. World Habitat Day 2012

79. World Habitat Day 2012 was celebrated on 1 October. The theme of the celebrations was "Changing cities, building opportunities". The objective was to highlight the role of cities as engines of growth. The main message was that, when well planned, cities can continue to provide opportunities to both current and future residents. This idea dovetails with the new UN-Habitat campaign, "I am a city changer", which seeks to involve all persons in making their cities a better place to live.

80. World Habitat Day was celebrated in many countries, including Costa Rica, Cuba, Mexico, Nepal, Sri Lanka and Thailand. The global observance of the Day was held in Embu, Kenya, hosted and organized by the Government through the Ministry of Housing.

D. Regional ministerial conferences

81. During the reporting period, UN-Habitat continued to make contributions to regional ministerial meetings on housing and urban development. The fourth Asia-Pacific Ministerial Conference on Housing and Urban Development was held in Amman from 10 to 12 December 2012, with the assistance of UN-Habitat. The theme was "Youth and information technology in sustainable urban development". The Amman Declaration and the Amman Implementation Plan were adopted. During the conference, UN-Habitat launched a publication, *State of the Urban Youth 2012/2013: Youth in the Prosperity of Cities*.

82. The twenty-first General Assembly of the Regional Meeting of Ministers and High-level Authorities of the Housing and Urban Development Sector in Latin America and the Caribbean was held from 20 to 22 August 2012 in Mexico City. During the meeting, a report, *State of Latin American and Caribbean Cities 2012: Towards a New Urbanization*, was presented. The participants also discussed the participation of ministers and other high-level authorities in the sixth session of the World Urban Forum.

VIII. Conclusions and recommendations

83. In view of the policy and organizational implications of the resolutions adopted by the Governing Council of UN-Habitat at its twenty-fourth session, Member States are called upon:

(a) To consider designating 31 October of every year, beginning in 2014, as World Cities Day;

(b) To initiate processes to review, strengthen and develop national urban policies, where appropriate, as a key strategy for national socioeconomic development and as a coordination mechanism among sectors and ministries;

(c) To use planned city extension methodologies to guide the sustainable development of cities experiencing rapid urban growth, prevent slum proliferation, enhance access to basic urban services, support inclusive housing, enhance job opportunities and create a safe and healthy living environment;

(d) To implement the universal principles for slum upgrading and prevention, such as prohibiting unlawful evictions, empowering women and young people, making slum upgrading interventions affordable and accessible, ensuring public participation regardless of race, sex, religious affiliation and socioeconomic status, and promoting accountability and transparency in all programmes;

(e) To increase the allocation of financial and human resources for slum upgrading and prevention and establish financing strategies that mobilize public subsidies and income generated by land regularization and reallocation processes so as to develop investment plans for infrastructure and services;

(f) To promote housing policies integrating sustainable approaches to energy efficiency in housing and human settlements, while respecting the environment and using innovative techniques and materials;

(g) To apply good urban planning and management policies that enhance economic productivity and equity and support the implementation of economic empowerment programmes, with special reference to young people and women;

(h) To work with partners to promote pro-poor land-based financing as a means of supporting urban development, densification and extension through, among others, land and property value capture (or value sharing) and land and property taxation;

(i) To provide support, through the President of the Governing Council of UN-Habitat and the Committee of Permanent Representatives, to the search for ways of narrowing the differences among States members of the Council on the UN-Habitat governance reform options in order to expedite the conclusion of the review process.

84. With regard to Habitat III, and in view of the progress to date in preparations therefor, Member States are called upon:

(a) To ensure the effective and efficient participation of all stakeholders in the preparatory process, including the preparation of national reports;

(b) To expedite the preparation, before the first meeting of the Preparatory Committee, to be held in New York during the sixty-ninth session of the General Assembly, of national reports;

(c) To include in their planned regional meetings, such as the regular sessions of regional ministerial conferences on housing and urban development as well as of other relevant regional intergovernmental meetings, dialogue on Habitat III, so as to facilitate the provision of regional inputs to the first and second meetings of the Preparatory Committee;

(d) To support the national, regional and global preparations for the conference through voluntary contributions to the trust fund.

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Item 67 (b) of the provisional agenda*
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, submitted pursuant to Assembly resolution 67/155.

* A/68/150.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

The Durban Declaration and Programme of Action pay particular attention to concerns related to racism, racial hatred, xenophobia, racial discrimination and related intolerance, and provide a comprehensive framework for possible actions to combat these phenomena. In this report, the Special Rapporteur focuses on the intersection between poverty and racism. Following a brief introduction and the overview of his activities carried out since his last reports, the Special Rapporteur refers to the inherent issues of poverty and racism, starting with an overview of legal and policy frameworks at the national, regional and international levels; discussing the manifestations of poverty and racism, in the areas of economic and social rights such as education, adequate housing, and health care, other rights affected in this connection between racism and poverty including the right to work in just conditions, social security, food and water. The Special Rapporteur then provides an overview of the different groups victims of discrimination that are affected by poverty and racism and underlines some examples of positive measures taken to prevent poverty and discrimination, before presenting some conclusions and recommendations.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/155 of 20 December 2012 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (see A/CONF.189/12 and Corr.1). The Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights.

2. In section II, the Special Rapporteur refers to the activities he has undertaken since his last reports to the General Assembly.

3. In section III he examines the intersection between discrimination and poverty, building upon the reports of his predecessor, which examined the overlap between class and race or ethnicity and their intersection with poverty.[1] The continuing socioeconomic vulnerability of minorities is frequently the result of historical legacies, such as the impact of slavery and colonization, and systems of inherited status and formalized and State-sponsored discrimination that for a long time were in place in many parts of the world. These historically created imbalances continue to profoundly affect groups that are discriminated against. The former Special Rapporteur highlighted the fact that a number of concrete measures are needed to address the disproportional levels of poverty which affect members of minorities. In the present report, the Special Rapporteur discusses the manifestations of poverty and racism in the areas of economic and social rights such as education, adequate housing, and health care, other rights affected in the link between racism and poverty, including the right to work in just conditions, social security, food and water. He then provides an overview of the different groups victims of discrimination that are affected by poverty and racism and underlines some examples of positive measures taken to prevent poverty and discrimination.

II. Activities of the Special Rapporteur

A. Country visits

4. The Special Rapporteur would like to thank the Government of Mauritania, which has accepted his request for a follow-up visit. He hopes to undertake it in September 2013. The Special Rapporteur is also awaiting confirmation for a visit to South Africa, which he also hopes to undertake by the end of 2013. The Special Rapporteur also thanks the Government of Greece for having invited him to visit at the end of the first semester of 2014.

5. From 4 to 10 September 2012, the Special Rapporteur visited the Plurinational State of Bolivia. He expresses his sincere gratitude to the Government for its full cooperation and openness in the preparation and conduct of his visit. From 21 to 28 January 2013, the Special Rapporteur visited Spain. He is very grateful to the Government of Spain for its cooperation in the preparation and conduct of his visit.

[1] A/HRC/11/36 and A/64/271.

The reports on those visits were presented at the twenty-third session of the Human Rights Council.[2]

B. Other activities

6. The Special Rapporteur participated in the Symposium on the Varieties of European Racism(s) in Europe organized by the European Network against Racism and the Open Society Foundation in Brussels on 27 and 28 September 2012.

7. On 4 and 5 October 2012 the Special Rapporteur participated in the final expert workshop on the prohibition of incitement to national, racial or religious hatred held in Rabat. The Special Rapporteur also contributed to the tenth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, held from 8 to 19 October 2012 in Geneva.

8. On 19 November 2012, the Special Rapporteur attended the second National Conference: Malaysia on the Path to Non-Discrimination — Making it Possible, held in Kuala Lumpur.

9. On 14 and 15 May 2013, the Special Rapporteur participated in a conference on Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond, organized in Oslo by the Ministry of Foreign Affairs of Norway, which brought together international experts to discuss challenges and possible solutions related to the rise of right-wing extremism and hate crime directed towards minorities in Europe and beyond.

10. On 24 and 25 June 2013, the Special Rapporteur attended the International Meeting for Equality and Non-Discrimination in Mexico City, organized by CONAPRED (Mexican National Council to Prevent Discrimination). The meeting brought together international experts to debate and review international efforts to prevent discrimination and share good practices.

III. Poverty and racism

A. The international normative framework

11. The Special Rapporteur is of the opinion that the issues of poverty and racism are inextricably linked. As has been emphasized in the Durban Declaration, "poverty... [is] closely associated with racism... and contribute[s] to the persistence of racist attitudes and practices which in turn generate more poverty" (para. 18). As the previous Special Rapporteur on racism underlined in his report to the General Assembly in 2009, racial or ethnic minorities are disproportionately affected by poverty, and the lack of education, adequate housing and health care transmits poverty from generation to generation and perpetuates racial prejudices and stereotypes in their regard.[3]

[2] A/HRC/23/56/Add.1 and 2.

[3] A/64/271, para. 38; see also A/HRC/11/36.

12. The Special Rapporteur has underlined the important role of education in combating racism, as it promotes tolerance and constitutes a pillar by which people can pull themselves out of poverty. In his report of 2013 to the Human Rights Council,[4] the Special Rapporteur has examined the link between the realization of the right to education and the struggle against racism. The right to education is mentioned in many instruments.[5] This right is further elaborated on in general comments of the Committee on Economic, Social and Cultural Rights (No. 13) and the Committee on the Rights of the Child (No. 1). The African Charter on Human and Peoples' Rights also recognizes the right to education (art. 17) as do the Protocol of San Salvador to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (art. 13) and the Charter of Fundamental Rights of the European Union (art. 14).

13. Article 25 of the Universal Declaration of Human Rights declares that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services. The right to health is recognized in several instruments.[6] As noted by the Committee on Economic, Social and Cultural Rights in its general comment No. 14, the realization of other human rights, including the right to food, housing, work, education and non-discrimination, is dependent on the right to health. General recommendations of the Committee on the Elimination of Racial Discrimination (Nos. 30 and 34) and the Committee on the Elimination of Discrimination against Women (No. 24) and general comments of the Committee on the Rights of the Child (Nos. 3, 4, 15) also elaborate on the importance and scope of this right. In the African region, article 16 of the African Charter on Human and Peoples' Rights affords protection for health, as do, in their regions, article 35 of the European Union Charter and articles 10 and 11 of the San Salvador Protocol.

14. Another important right closely linked with poverty, and discrimination, is the right to adequate food and water. The right to adequate food can be found in several international human rights instruments.[7] The Committee on Economic, Social and Cultural Rights notes in general comment No. 12 that "the right to adequate food is indivisibly linked to the inherent dignity of the human person" and is inseparable from social justice, requiring the adoption of appropriate policies oriented to the eradication of poverty and the fulfilment of all human rights for all. Similarly, in general comment No. 15 the Committee holds that the right to water is included in the right to an adequate standard of living, noting that the "contamination, depletion and unequal distribution of water is exacerbating existing poverty".

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[4] A/HRC/23/56.

[5] Universal Declaration of Human Rights (art. 26), International Covenant on Economic, Social and Cultural Rights (art. 13), International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (v)), Convention on the Elimination of All Forms of Discrimination against Women (art. 10), Convention on the Rights of the Child (arts. 28 and 29), Convention against Discrimination in Education, and other instruments.

[6] International Covenant on Economic, Social and Cultural Rights (art. 12), International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iv)), Convention on the Elimination of All Forms of Discrimination against Women (art. 12) and Convention on the Rights of the Child (art. 24).

[7] Including the Universal Declaration of Human Rights (art. 25), International Covenant on Economic, Social and Cultural Rights (art. 11), Convention on the Elimination of All Forms of Discrimination against Women (art. 14 (2) (h)) and Convention on the Rights of the Child (art. 24).

15. The right to housing can be found in numerous instruments.[8] The Committee on Economic, Social and Cultural Rights discusses the right to adequate housing in general comments Nos. 4 and 7. Reports of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living elaborate on this right and how it can affect poor communities.[9] Article 26 of the American Convention on Human Rights requires States to achieve progressively the full realization of rights included in the Charter of the Organization of American States, which encompass the right to housing as well as the rights to employment opportunities, acceptable work conditions, and education opportunities for all.

16. Several instruments recognize the right to work and/or the right to just conditions of work,[10] and the right to social security is also mentioned.[11] As mentioned in general comment No. 18 of the Committee on Economic, Social and Cultural Rights, access to work "constitutes an opportunity for economic self-reliance and in many cases a means to escape poverty". In general comment No. 19, the Committee acknowledges that social security plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion. On the regional level, the African Charter on Human and Peoples' Rights ensures "the right to work under equitable and satisfactory conditions" in article 15, the European Union Charter in article 31 and the San Salvador Protocol in article 7.

17. The prohibition of discrimination is widely accepted and stipulated in all the major international conventions, some of which contain forceful provisions outlawing discrimination.[12] General comments of the Committee on Economic, Social and Cultural Rights (No. 20) and the Human Rights Committee (No. 18) and general recommendation No. 20 of the Committee on the Elimination of Racial Discrimination discuss the universality and importance of the prohibition of discrimination. All major regional instruments also forbid discrimination based on race, sex, colour, language, religion, or social status.[13]

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[8] Universal Declaration of Human Rights (art. 25), International Covenant on Economic, Social and Cultural Rights (art. 11), International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)), Convention on the Elimination of All Forms of Discrimination against Women (art. 14 (2) (h)) and Convention on the Rights of the Child (art. 27).

[9] See, for example, E/CN.4/2002/59 and Corr.1.

[10] Universal Declaration of Human Rights (art. 23), International Covenant on Economic, Social and Cultural Rights (arts. 6 and 7), International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (i)), Convention on the Elimination of All Forms of Discrimination against Women (art. 11).

[11] Universal Declaration of Human Rights (art. 22), International Covenant on Economic, Social and Cultural Rights (art. 9), International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iv)), Convention on the Elimination of All Forms of Discrimination against Women (arts. 11 (1) (e) and 14 (2) (c)).

[12] Universal Declaration of Human Rights (arts. 1 and 7), International Covenant on Economic, Social and Cultural Rights (art. 2 (2)), International Covenant on Civil and Political Rights (arts. 4 and 26), International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Rights of the Child (art. 2).

[13] Including the European Convention on Human Rights (art. 14), American Convention on Human Rights (arts. 1, 24 and 27) and African Charter on Human and Peoples' Rights (art. 28).

18. The major international conventions focusing on the rights of racial minorities and women,[14] groups that have historically been discriminated against, also encompass provisions recognizing the right of temporary special measures aimed at accelerating de facto equality. In his report to the General Assembly in 2009, the former Special Rapporteur on racism noted his belief that, whereas non-discrimination is essential to create a level playing field for different communities, non-discrimination on its own does not provide for the correction of imbalances which are the result of historical legacies, such as slavery and segregation. In this regard, there continues to be a need for the enactment of special measures, as provided for in article 1.4 of the International Convention on the Elimination of All Forms of Racial Discrimination, concerning groups that suffered from decades or centuries of discrimination, thus helping to transform the goal of integration and equal opportunities into a concrete reality for all.[15] General recommendation No. 32 of the Committee on the Elimination of Racial Discrimination further clarifies the meaning and scope of special measures.

19. The Durban Declaration and Programme of Action has discussed extensively the link between poverty and racism. The Durban Declaration recognizes the "negative economic, social and cultural consequences of racism" (para. 19) and notes that the effects of globalization could aggravate poverty along racial lines (para. 11). Similarly, the Programme of Action recognizes that historical injustices have undeniably contributed to poverty (para. 158), and urges States to adopt policies that will eradicate poverty with a special emphasis on those affected by racism (para. 52).

B. The intersection of poverty and racism

20. Poverty does not result only from an unequal sharing of resources. Discrimination against groups and persons based on their ethnicity, race, religion or other characteristics or factors has been known to encourage exclusion and impoverish certain groups of the population who suffer from unequal access to basic needs and services. Groups that are discriminated against, such as Afro-descendants, minorities, indigenous peoples, migrants and refugees, are disproportionately affected by poverty in all regions of the world. The complex relationship between racism and discrimination suggests that only the guarantee of equality and non-discrimination can redress that imbalance and protect such groups from falling into or being trapped in poverty.

21. The Committee on Economic, Social and Cultural Rights has defined poverty as a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.[16] A history of discrimination has left a large number of racial and ethnic groups in various parts of the world trapped in conditions of "chronic

[14] International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1 (4) and 2 (2)) and Convention on the Elimination of All Forms of Discrimination against Women (art. 4 (1)).

[15] A/64/271, para. 42.

[16] Quoted in the report of the independent expert on the question of human rights and extreme poverty (A/HRC/15/41), para. 14.

deprivation of resources" with limited choices and vulnerable to multiple violations of their rights. In many parts of the world, race and ethnicity continue to be persistent predictors of poverty. The multigenerational nature of poverty, with successive generations inheriting the disadvantages of their predecessors, means that over the years poverty and deprivation have become part of the characterization of particular racial and ethnic groups trapped in poverty. This in turn fuels prejudice against those members of poor racial and ethnic groups, exacerbating the problems of racial discrimination. For most racial and ethnic groups living in poverty, the formal provisions for non-discrimination are not sufficient to address the challenges they confront in the realization of those rights that would lift them out of their conditions of poverty. Their situation is that of multidimensional discrimination — as they are discriminated against for being poor and also on account of their race and ethnicity. The nature of this challenge requires much more than formal protections and calls for special measures.

22. Quantifying the problem of the poverty among racial and ethnic minorities continues to be a challenge given the absence of disaggregated data. Nevertheless, we can look at the situation of the realization of specific rights as a proxy for determining progress from poverty. In particular, progress in the realization of some social economic rights could signify an improvement in the lives of those living in poverty. From a development perspective, the progress made on the key Millennium Development Goals with respect to racial and ethnic groups in various countries could be a useful way of assessing progress.

23. Discrimination based on racial, religious, ethnic, linguistic and also socioeconomic factors exacerbates the vulnerability of those persons and groups. This situation and furthermore the lack of participation of groups that are discriminated against in decision-making processes is often the result of historical legacies rooted in traditions. Their situation is primarily the consequence of historical systems of inherited status, and of the formalized exclusion of certain traditional populations in modern societies, sometimes encouraged by authorities. Thus, even in countries where resources are sufficient to ensure to the whole population adequate standards of living, those groups and individuals do not fully benefit from those resources. In countries suffering from lack of development, the situation of vulnerable groups is even more critical, and they often form part of the poorest of the poor.[17]

24. Discriminatory treatment and practices end up perpetuating the situation of poverty these groups already suffer and encourage exclusion. The Special Rapporteur believes that it is the obligation of Governments to prevent marginalization and to ensure protection as well as to guarantee the enjoyment of human rights for all, including the right to education, the right to adequate housing, the right to health or the right to food and safe water.[18]

25. In many regions of the world, minority groups already live under precarious economic situations which do not provide the opportunity for a fair access to resources but fuel racial and socioeconomic discrimination. The condition of

[17] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2009*, p. 7.

[18] World Health Organization, *WHO's Contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, Health and Human Rights Publication Series No. 2 (Geneva, August 2001).

poverty of the groups that are discriminated against can thus be perceived as a result of the continued denial of their fundamental rights based on racial, ethnic and social factors.

1. The right to education

26. One of the reasons why groups that are discriminated against remain trapped in poverty is the perpetual marginalization they suffer in terms of access to education, despite the obligation of States to realize this right for all without discrimination. Realizing the right to education for all children should be the cornerstone of strategies directed at reducing poverty and discouraging discrimination.

27. Minority Rights Group International noted in 2009 that, of the 101 million children out of school and the 776 million illiterate adults, the majority are part of racial, ethnic, religious or linguistic minorities.[19] The obstacles are first related to access to schools. In many countries, the low enrolment rate of minority children is the result of official policies that fail to recognize the existence of minorities as part of the whole population and to take measures to ensure that they enjoy the rights guaranteed to every citizen.[20]

28. Within the school system, children from racial and ethnic minorities in many cases also suffer from direct discrimination, either on the part of teachers or their fellow pupils in mixed classes, or indirect discrimination due to the low quality of teaching, particularly in remote or disadvantaged areas where these groups live. In many of those areas, teachers are often less qualified, and the official curriculum frequently does not take into account the specificity of the minority groups and their participation in the history and development of their country.

29. The Special Rapporteur notes that, as a result of such discrimination, there is a lack of trust in the national educational system and some children tend to remain within their community rather than attend school and acquire skills that could eventually enable them to break the cycle of poverty. Low school enrolment rates ultimately fuel illiteracy, and hinder these children's future prospects in integrating the labour market to improve their economic situation.

30. The Special Rapporteur is also of the view that if discrimination in education reinforces poverty, poverty also fosters discrimination.[21] Poverty is one of the causes of the low enrolment rates in schools of children from groups that are discriminated against. Even where basic education is free, accessing the public education system often implies having to meet the burden of hidden and indirect costs such as expenditures for textbooks, transportation, meals or school uniforms.[22]

31. When discriminated groups or vulnerable communities are not able to achieve acceptable standards of living owing to racial or other inequalities, they also become victims of further discrimination.[23] Many children from poor rural communities

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[19] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2009*, p. 13.

[20] Ibid., p. 15.

[21] See final draft of the guiding principles on extreme poverty and human rights, submitted by the Special Rapporteur on extreme poverty and human rights (A/HRC/21/39), para. 4.

[22] Report of the Special Rapporteur on the right to education (E/CN.4/2004/45), para. 26.

[23] Final draft of the guiding principles on extreme poverty and human rights (A/HRC/21/39), para. 3.

often have to help their families with tasks such as working in the field or fishing. This often results in dropping out of school, absenteeism, poor health and more generally a decreased quality of life, and furthers isolation. The situation is even worse for women, who suffer not only from racial or ethnic inequalities but also from gender discrimination.

32. The Special Rapporteur is convinced that the full enjoyment of the right to education is the prerequisite for the full enjoyment of other rights, such as the right to work, freedom of expression, or even the right to health.[24] For groups that are discriminated against, education is crucial for preparing and equipping them with the skills to achieve economic and social mobility and consequently to break the cycles of multidimensional poverty and discrimination.

2. The right to health

33. The Special Rapporteur notes that poverty and discrimination are often reflected in poor health status. Vulnerable and marginalized groups disproportionately face obstacles in accessing health care. Many inequalities in accessing adequate health care are related to social disparities and exclusion, themselves often the result of racism, xenophobia and other forms of intolerance.

34. First, from a geographical point of view, access to health care is often limited for those living in rural or economically remote areas and disparities sometimes result from laws, policies or programmes which intentionally or not concentrate services in urban areas.[25] This can lead to decreased life expectancy and poor health conditions for minorities living in marginalized areas.

35. In some cases where hospitals and clinics have been established in the rural areas quite often the services offered are of lower quality. There are instances where racial and ethnic minority groups have been victims of discrimination at the hands of health professionals.[26] As a result, these groups become reluctant to approach and use health care providers.

36. There is also a risk of mistrust in the official health services, due to stereotyping, but also due to the health service providers' lack of cultural knowledge of a particular cultural minority. Health practices and the perception of illness can vary from one cultural community to the other. In countries using modern health systems, traditional medicine, for example, is not taken into consideration, and often suffers from negative stereotypes. In some cases, the language of the medical professionals is that of the majority cultures and there is little consideration of the language challenges of the minority cultures. This linguistic handicap can lead to poor health outcomes for poor racial and ethnic minorities.

37. The former United Nations High Commissioner for Human Rights, Mary Robinson, has noted that "it is those who are the most vulnerable in society due to gender, ancestry, socioeconomic status, disability, sexual orientation or race and that fall into poverty who are the most exposed to the risk factors which cause ill-health".[27] Owing to their economic and social conditions, groups that are discriminated against are more exposed to health risks and diseases. They are more

[24] See A/HRC/23/56.

[25] World Health Organization, op. cit.

[26] Ibid.

[27] Ibid.

likely than others to live in polluted and environmentally degraded areas where the risk of exposure to substance abuse, violence and infectious diseases is higher.[28] Where social security and health care support is conditioned to employment the poor living in these areas are less likely to access health services.

38. Limited access to adequate nutrition also exacerbates the poor health suffered by a considerable number of poor racial and ethnic minorities.

3. The right to housing

39. The Special Rapporteur also notes that racism and discrimination negatively affect the realization of the right to adequate housing for the marginalized groups.

40. Legal insecurity of tenure for poor and marginalized ethnic and racial minorities in some cases forces some of the members of those communities to move to urban areas, where the only affordable housing is in informal and slum settlements with substandard housing conditions and the daily risks of eviction.

41. In some countries, individuals from certain marginalized racial groups face discrimination from landlords and officials in accessing public and private rental housing. The lack of safe and healthy housing has consequences for the development of children and has a direct link to the vicious cycle of poverty and discrimination. The violation of the right to adequate housing also affects the enjoyment of other human rights, such as the right to work, education, health and social security.

42. In many countries, those without formally recognized housing find themselves limited in accessing public services and excluded from opportunities for participation in decision-making processes. These challenges reinforce their isolation and marginalization. Where registration in schools is conditioned to the provision of certain official documents related to housing or population registers, this affects the right to education. The same applies for social security and health care services, or the ability to be issued an employment contract.

43. Adequate housing is also linked to safe drinking water and adequate sanitation. As of early 2013, UNICEF estimates that 36 per cent of the world's population lacked improved sanitation facilities, and 768 million people have access only to unsafe drinking water.[29] Poor sanitation and unhygienic practices are the indirect results of discrimination and the marginalization suffered by racial minorities. Groups that are discriminated against, especially those living in rural or remote areas, experience disparities in terms of access to sanitation and drinking water.[30] These further contribute to poor health outcomes for the poor racial and ethnic minorities.

44. Poor sanitation and difficulties resulting from lack of access to safe drinking water have been known to be linked to poor school enrolment and completion rates of children from groups that are discriminated against who have to fetch water for their families and often suffer from various infections.

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[28] Ibid.

[29] UNICEF, "Water, Sanitation and Hygiene", available from www.unicef.org/wash/.

[30] See report of the Special Rapporteur on the human right to safe drinking water and sanitation, entitled "Stigma and the realization of the human rights to water and sanitation" (A/HRC/21/42), para. 30.

C. Persons and groups affected by poverty and racism

45. The Special Rapporteur notes that one of the major challenges in assessing the extent to which poor racial and ethnic minorities suffer discrimination is the lack of reliable disaggregated data. The lack of data is linked to legal prohibitions in some countries on collection of ethnically disaggregated data, the failure to establish mechanisms for collection of such data in others. The lack of this kind of data means that development policies such as those linked to the Millennium Development Goals may neglect to address the specific needs of racial and ethnic minorities.

46. The Special Rapporteur observes that the problem of disproportionate poverty among some racial and ethnic groups is prevalent in all regions of the world. In this report, however, he highlights the situation of just some of those groups.

1. Persons of African descent

47. More than 200 million persons identify themselves as being of African descent. The Special Rapporteur notes that many of them continue to face pernicious discrimination as part of the legacy of slavery and colonialism that still hinders them from fully participating in the decision-making process. Despite their contribution to the economic development of their countries, they still experience prejudices and exclusion. In North and South America, two regions characterized by great disparities, a disproportionate number of persons of African descent are affected by a lack of income, health services, quality of education and opportunities to attain well-being. In the United States, poverty, as defined by the Census Bureau, is determined by 48 different thresholds according to size of the family, the number of dependent children, and ages of family members.[31] In 2009, 25.8 per cent of persons of African descent were living in poverty, whereas only 9.4 per cent of non-Hispanic whites were living in poverty. In a similar trend, in Brazil, in 2006, 47 per cent of people of African descent were living below the poverty line, as opposed to 22 per cent of those classified as white.[32]

48. In Latin America and the Caribbean, most persons of African descent live in rural areas where access to education remains limited. The Special Rapporteur on the right to education has observed that, in this region, isolation and discrimination are the main factors preventing children's access to a high level of education and skills.[33] Children living in low-income households are more likely to attend low-quality schools that lack basic materials and infrastructure and are also more likely to receive low quality of teaching. In Uruguay for example, at the end of the school cycle, the enrolment rate is 22 per cent among those aged 18 to 24 for Afro-Uruguayans, compared to 41 per cent for whites.[34] In the United States, the 2004 American Community Survey of the Census Bureau reported that about 80 per cent of persons of African descent aged 25 and older were high school graduates but

[31] See report on the mission to the United States of America of the independent expert on the question of human rights and extreme poverty (E/CN.4/2006/43/Add.1), para. 25.

[32] See report on the mission to Brazil of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2006/16/Add.3), para. 33.

[33] See A/HRC/17/29 and Corr.1.

[34] United Nations Population Fund, "Afro-descendant youth in Latin America: diverse realities and (un)fulfilled rights"; available from http://lac.unfpa.org/webdav/site/lac/shared/DOCUMENTS/2012/pagina%20de%20juventud/Afro-descendant_Youth.pdf.

only 17 per cent had completed a higher education degree. More generally, they were less likely to have completed bachelor's, master's, professional, or doctorate degrees than other communities.[35]

49. The Special Rapporteur notes that people of African descent continue to suffer from discriminatory and consequently inadequate access to housing at various stages of the rental or sale process. In the United States, one in five individuals of an ethnic or racial minority experiences discrimination during a preliminary search for housing. Moreover, 46 per cent of African Americans were owners in 2011, against 74 per cent of whites.[36] In other regions of the world, such as Europe and Latin America, people of African descent also continue to face difficulties in finding housing, which contributes to their settlement in certain areas, isolated from the cities' strategic points. This situation enhances the emergence of "ghettos" where essential services are largely inadequate. For those living in these "ghettos" accessing employment opportunities is particularly challenging, further reinforcing the vicious cycle of poverty in which a large number are trapped.

50. For many persons of African descent, because of their low-income situation, the issue of food insecurity remains a significant challenge. In many countries, the situation is the result of unequal treatment but also of the economic situation. It is the case in Latin American countries where disparities of income and resources are high. On the other hand, in countries such as the United States, food insecurity is not the result of insufficient supplies of food but of disparities in its distribution. In 2004, 23.7 per cent of African American households and 21.7 per cent of Hispanic households suffered from food insecurity.[37]

51. The Special Rapporteur also emphasizes that unequal access to food and sanitation increases health disparities. In the United States, where health insurance is correlated to employment and income, a significant number of persons of African descent are uninsured.[38] Moreover, structural discrimination by health care institutions, and sometimes health professionals, means that people of African descent are often faced with unequal access to medicines and treatments. In Latin America, poverty affects the health conditions of persons of African descent. For example, while 40 per cent of white Colombians have health coverage, only 10 per cent of African Colombians do. In other countries, where a lower proportion of the population is of African descent, discriminatory practices also remain common. In Peru, discrimination in health centres is frequent. According to the International Development Bank, Afro-Latin Americans suffer from higher infant mortality rates in many areas of South America.[39]

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[35] United States Census Bureau, "Educational Attainment in the United States: 2009", February 2012; available from www.census.gov/prod/2012pubs/p20-566.pdf.

[36] Pew Research Center, "Wealth gaps rise to record highs between Whites, Blacks and Hispanics", 26 July 2011; available from www.pewsocialtrends.org/files/2011/07/SDT-Wealth-Report_7-26-11_FINAL.pdf.

[37] Report on the mission to the United States of America of the independent expert on the question of human rights and extreme poverty (E/CN.4/2006/43/Add.1), para. 31.

[38] Ibid., para. 32.

[39] Minority Rights Group International, *State of the World's Minorities 2006*, p. 71.

2. Indigenous peoples

52. The Special Rapporteur notes that, as a result of historical and contemporary factors, indigenous peoples are part of a worldwide disadvantaged minority as they continue to face discriminatory practices deeply rooted in cultural structures and reinforced by industrial development. While they constitute approximately 5 per cent of the world's population — 370 millions — indigenous peoples represent around one third of the world's 900 million extremely poor rural people. This situation of marginalization is prevalent in all types of countries regardless of their level of development, as indigenous people consistently lag behind the non-indigenous population in terms of standards of living and development.[40]

53. The Special Rapporteur notes that, as a result of geographical isolation and marginalization, indigenous children are less likely to access education in comparison to non-indigenous populations. The lack of investment in teaching in indigenous languages in schools encourages loss of identity. Moreover, a uniform curriculum increases misinformation on the history, culture and identities of indigenous peoples and reinforces unequal treatment by teachers and the educational system. These weaknesses of the education system significantly contribute to decreasing enrolment rates, drop-out, illiteracy and social exclusion. For instance, in small indigenous communities in Southern Arnhem Land (Australia), up to 93 per cent of the population is illiterate. In Ecuador, the illiteracy rate of indigenous peoples was 28 per cent in 2001, compared to the national rate of 13 per cent, while in Venezuela (Bolivarian State of) the indigenous illiteracy rate (32 per cent) was five times higher than the non-indigenous illiteracy rate (6.4 per cent).[41] Furthermore, in Bolivia (Plurinational State of), according to the 2001 census, the illiteracy rate for the indigenous population reached 19.61 per cent as against 4.51 per cent for the non-indigenous population.[42]

54. The Special Rapporteur notes that the increasing expropriation of indigenous peoples' lands for economic purposes also reinforces their vulnerability in terms of their right to adequate housing by affecting their ancestral culture, which is based on communal land and resources. According to Minority Rights Group International, "One of the overriding threats facing minorities and indigenous peoples in every region of the world is the risk of being driven from their land and natural resources, which are vital for their livelihoods, their culture and often their identity as a people".[43] The Department of Economic and Social Affairs has noted that there has been an upsurge in infrastructure development, particularly of large hydroelectric dams, oil and gas pipelines, and roads in indigenous territories;[44] there has been a constant failure to consult the populations concerned first. As a result of those development-driven displacements, many indigenous persons migrate to urban areas where they frequently live in poverty and face discrimination. In many of those urban areas, indigenous peoples also experience unequal treatment in the rental market, in the allocation of resources for housing, including loans and credits, and

[40] *State of the World's Indigenous Peoples* (United Nations publication, Sales No. 09.VI.13), pp. 21-22.

[41] Ibid., p. 132.

[42] See A/HRC/23/56/Add.1, para. 38.

[43] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2012*, p. 7.

[44] *State of the World's Indigenous Peoples* (United Nations publication, Sales No. 09.VI.13), p. 19.

are affected by laws and policies that fail to take into account the specificity of their culture.

55. New development projects have also interfered with indigenous peoples' access to appropriate food in accordance with their traditions. In some cases, they are denied access to land for fishing or hunting, while in others food sources are contaminated by industrial developments. In addition, the entry of industrial goods into indigenous peoples' communities has in some cases compromised their traditional practices.

56. As a result of a combination of these factors, many indigenous people have inadequate food access and are exposed to high levels of malnutrition. For instance, in Latin America, malnutrition among indigenous children is twice as high as among non-indigenous children. In Ecuador, chronic malnutrition is more than twice as high in indigenous as compared to non-indigenous communities. In El Salvador, an estimated 40 per cent of indigenous children under 5 are malnourished, compared to the national average of 23 per cent.[45]

57. Poor nutrition, discrimination and limited access to quality health care, and contamination of resources, also contribute to poor health conditions among indigenous peoples.[46] Overall, the life expectancy of indigenous people is up to 20 years lower than that of non-indigenous people;[47] and they also experience higher levels of maternal and infant mortality. Smoking and substance abuse are more common among indigenous people and diseases such as tuberculosis, diabetes and HIV/AIDS are key health concerns in indigenous communities, as are problems of isolation and suicide. Worldwide, more than 50 per cent of indigenous adults suffer from type 2 diabetes.[48] In Australia, the estimated number of indigenous adults with type 2 diabetes is up to four times higher than that of Australians of European descent.[49] Among the Inuit people in Canada suicide rates are 11 per cent higher than the national average.[50] The disparities are even starker in urban areas, where indigenous peoples are further detached from their cultural traditions.

3. Roma

58. With an estimated population of 10 to 12 million, the Roma represent one of the most important minority groups in Europe. The Special Rapporteur observes that, in spite of efforts at both regional and national levels to improve the situation of the Roma, an unacceptably large percentage continue to live in poverty and suffer discrimination in virtually all aspects of life, including employment, health care, education, and adequate housing.

59. Discrimination in education can be the result of indirect factors such as the need for official documents proving residency or a birth certificate or the refusal of access due to the lack of vaccinations. Furthermore, some schools in eastern and southern Europe continue to refuse to register Roma children, or accept them only on the condition that they are separated from other pupils and in distinct facilities.

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[45] Ibid., p. 163.

[46] See E/CN.4/2006/16/Add.3, para. 55.

[47] United Nations, *State of the World's Indigenous Peoples*, press release, 14 January 2010.

[48] Ibid.

[49] *State of the World's Indigenous Peoples*, p. 164.

[50] *State of the World's Indigenous Peoples*, press release, 14 January 2010.

Their situation of poverty also restricts school attendance and the drop-out rate within the community is high. For instance, about half of the Roma in the Republic of Moldova live in extreme poverty and face difficulties in accessing appropriate clothing, school lunches for their children, school materials or transportation for the children.[51] On average, in 2011 in Europe, only one out of two Roma children attended pre-school or kindergarten and only 15 per cent of young adults surveyed completed upper-secondary general or vocational education.[52]

60. The Special Rapporteur also observes that as a consequence of marginalization a large percentage of the Roma continue to live in substandard and unhealthy housing conditions. Often they do not have security of tenure, and are subjected to forced evictions and sometimes relocated to areas with health hazards. As a result, in 2011, about 90 per cent of Roma surveyed lived below national poverty lines and 45 per cent of them lived in households lacking at least one basic housing amenity such as indoor kitchen, indoor toilet, indoor shower or bath and electricity.[53]

61. The Roma also experience difficulties in finding stable employment, and their access to quality and sufficient quantity of food is often limited. This is the direct result of social exclusion which leads to poor dietary choices and instability in accessing food supplies which affect health conditions and increase vulnerability to diseases such as obesity and malnutrition, especially among children.

62. Indeed, with regard to health, the Roma may be one of the most vulnerable groups in Europe and their life expectancy is shorter than the rest of the European population. In 2011, one third of Roma respondents aged 35 to 54 reported health problems limiting their daily activities and about 20 per cent of respondents had no medical coverage.[54]

4. Dalits

63. The caste system continues to be the source of discrimination against the Dalits who have a low hierarchical status according to tradition and beliefs. A disproportionate percentage of the Dalits live in abject poverty and face discrimination and exclusion at social, economic and political levels.[55]

64. Abuses at school by teachers and fellow students such as corporal punishment, verbal abuse, forced "manual scavenging" or injuries reinforce social alienation and drop-out rates.[56] In some cases, Dalits are not allowed to access the same facilities as non-Dalits, owing to what is referred to as the fear of uncleanliness, untouchability and contagion.[57] Most of the Dalits live in rural areas, and are often excluded from services only available in urban areas. It is estimated that less than

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[51] Council of Europe, *Human Rights of Roma and Travellers in Europe* (Strasbourg, 2012).

[52] UNDP, "Data on Roma", available from http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B.

[53] Ibid.

[54] Ibid.

[55] Joint report on the mission to Bangladesh of the independent expert on the question of human rights and extreme poverty and the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (A/HRC/15/55 and Corr.1), para. 25.

[56] See International Dalit Solidarity Network: Education, at http://idsn.org/caste-discrimination/key-issues/education/.

[57] See report entitled "Stigma and the realization of the human rights to water and sanitation" (A/HRC/21/42), para. 22.

10 per cent of Dalit households can afford safe drinking water, electricity and toilets, and approximately 75 per cent are engaged in agricultural work, although many do not have their own land.

65. Furthermore, the Dalits are often engaged in manual scavenging, digging of graves, cleaning of human excretions or forced prostitution, thus exposing them to a range of health hazards. A study in South Asia found that Dalits were denied entry into private health centres or clinics in 74 out of 348 villages surveyed, or 21.3 per cent of villages.[58] The study also found that in the case of 30 to 40 per cent of the Dalit villages surveyed public health workers refused to visit. In some villages, Dalits also were prohibited from public streets and even police stations.

5. Migrants

66. The Special Rapporteur observes that the situation of migrants remains precarious and calls for closer attention, particularly as many host countries continue to experience economic difficulties. In spite of measures taken by some States to integrate migrants and provide them with the opportunities to live a dignified life, many migrants continue to live in poverty and to experience discrimination in many areas of everyday life.

67. Access to official documents continues to determine the extent to which migrants can enjoy other rights and employment. In various countries, several documents (identity document, residence, birth or medical documents) are a condition for admission of children into school. Migrants in an irregular status often lack these official documents.

68. New migrants and particularly those without official documents find it difficult to access employment opportunities which in turn force them into a life of poverty. Many migrants live in precarious and insecure housing conditions, without adequate access to basic facilities such as reliable water or electricity. In some cases, their status leaves them open to exploitation by landlords. Moreover, without proper documents, migrants find it difficult to secure proper housing since in some countries, in order to conclude a lease agreement, certain documents or even proof of income may be required.

69. Owing to linguistic or cultural barriers many migrants do not access accurate information on health services in their host country. The costs of health services may also be an obstacle, in particular for irregular migrants who do not have health coverage. The fear of being reported to the police by health professionals further discourages some migrants from accessing public health services. In addition, out of desperation, some migrants often accept dangerous employment which can be hazardous.

D. Measures to combat poverty and discrimination

70. The Special Rapporteur notes that States around the world have developed and implemented many good practices which can alleviate problems associated with the intersecting problems of racism and poverty. The Special Rapporteur would like to

[58] Ghanshyam Shah et al., *Untouchability in Rural India* (New Delhi, SAGE Publications India, 2006).

report some of the good practices and initiatives he has been made aware of through his country visits and research. These include collection of disaggregated data, programmes aimed at increasing education and educational opportunities, laws which protect disadvantaged groups generally and in labour markets, poverty alleviation initiatives, and special measures aimed at enhancing equality between all groups. While the list of good practices and examples of States which have implemented them is certainly not exhaustive, the Special Rapporteur hopes that this section will provide some helpful direction to States.

71. The Special Rapporteur would like to stress the importance of collecting ethnically-disaggregated data on demographic, social and cultural indicators. Such information is useful for identifying trends and designing appropriate policies. A good example of the value of such data is the United States which has a long record of using such data to assess the progress of racial minorities.[59] Without disaggregated data, it is difficult for States to assess whether racial and ethnic minorities are making the expected progress. Indicators should be relevant to the communities surveyed and the collection of data should be undertaken with the involvement of minorities.[60]

72. As noted by the Special Rapporteur on human rights and extreme poverty in her report on Ireland, education is a key means of ensuring poverty reduction and social inclusion.[61] Several States have implemented legislation and created mechanisms to promote non-discrimination of racial and ethnic minorities in the field of education. Examples include the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) in South Africa; the Law on Equality of Rights and Opportunities, Participation and Citizenship of Persons with Disabilities (2005) in France; the Prohibition of Discrimination Act (2005) in Norway, which establishes the function of Ombudsman on Equality and Anti-Discrimination; the General Equality of Treatment Act (2006) in Germany, which aims to prevent or remove disadvantages due to race or ethnic background in employment and vocational training; and the Equality Act (2006) in the United Kingdom which establishes a Commission for Equality and Human Rights.[62] In the United States, the Office for Civil Rights within the Department of Education is mandated to ensure equal access to education and it enforces several federal laws that prohibit discrimination.[63]

73. Other good practices in education promote inclusion and tolerance of culturally diverse groups. In the Singaporean public education system, various education policies and programmes foster tolerance, understanding and respect among the youth. School curricula focus on social cohesion and harmony, and children are encouraged to interact with others from different backgrounds.[64] In Bosnia and Herzegovina, the Building Child-Friendly Schools and Communities initiative focuses on social unity and tolerance.[65] In Ireland, the Intercultural Education Strategy 2010-2015 aims at developing an intercultural learning environment, based on inclusion.[66]

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[59] See A/HRC/11/36/Add.3, para. 81.
[60] Report of the independent expert on minority issues (A/HRC/4/9), para. 77.
[61] A/HRC/17/34/Add.2, para. 82.
[62] A/HRC/17/29 and Corr.1, para. 43.
[63] A/HRC/11/36/Add.3, para. 26.
[64] A/HRC/17/40/Add.2, para. 39.
[65] United Nations Development Group, *MDG Good Practices*, chapter 2 (June 2010), pp. 55-56.
[66] A/HRC/17/34/Add.2, para. 82.

74. The Special Rapporteur recalls that offering education in a country's minority languages is also important for promoting tolerance. In Singapore, children can be taught both in English and in their mother tongue, Mandarin, Malay or Tamil.[67] Mongolia's National Programme on Implementation of Human Rights recognizes ethnic minorities' right to receive education in their mother tongue.[68] In Cambodia, the Highland Community Programme seeks to increase educational opportunities for remote indigenous ethnic minority communities by teaching their native languages first, while progressively introducing the Khmer language.[69] Guatemala committed itself to strengthening intercultural bilingual education in its education policy for 2008-2012.[70]

75. Another good practice in eliminating poverty and racism through education is the promotion of access to schools for marginalized children. The Abrazo Programme, set up in 2005 in Paraguay, focuses on children working in the street and their families. The children are put in schools, their attendance is monitored, and they are provided with food and health care. At the same time, the children's families are provided with support to make up for the lost income.[71] Inclusive education in the Lao People's Democratic Republic tries to increase access to primary education for all children, especially marginalized children.[72] In Belgium, the Samsara Project aims to support immigrant youth who are vulnerable to dropping out of school.[73]

76. The Special Rapporteur is of the view that measures and programmes designed to improve the social inclusion of disadvantaged groups also constitute good practices. In Hungary, several programmes are being implemented in order to improve Roma access to education, employment, housing and health care, including the Decade of Roma Inclusion Programme Strategic Plan for 2007-2015, the European Union framework for national Roma integration strategies, the National Social Inclusion Strategy "Extreme Poverty, Child Poverty and the Roma" for 2011-2020, and the Framework Agreement between the Government and the National Roma Self-Government.[74] Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain have also committed themselves to the Decade of Roma Inclusion.[75] Ireland has been implementing a strategic approach to alleviating poverty and social exclusion through its National Action Plan for Social Inclusion 2007-2016, National Development Plan 2007-2013, and National Social Partnership Agreement, "Towards 2016".[76]

77. Similarly, protection against discrimination in labour markets is critical in promoting the mobility of disadvantaged groups from poverty. In the United States, discrimination related to employment on the basis of race, colour, religion, sex, or

[67] A/HRC/17/40/Add.2, para. 39.
[68] A/HRC/23/36/Add.2, para. 48.
[69] *MDG Good Practices*, Chapter 2, pp. 59-60.
[70] Report on the mission to Guatemala of the Special Rapporteur on the right to education (A/HRC/11/8/Add.3), para. 61.
[71] A/HRC/14/25/Add.2, para. 36.
[72] *MDG Good Practices*, chapter 2, pp. 39-40.
[73] United Nations Educational, Scientific and Cultural Organization (UNESCO), ***Fighting Racism and Discrimination; Identifying and Sharing Good Practices in the International Coalition of Cities*** (Paris, 2012), pp. 32-33.
[74] A/HRC/20/33/Add.1, para. 30.
[75] http://www.romadecade.org/about-the-decade-decade-in-brief.
[76] A/HRC/17/34/Add.2, para. 13.

national origin is prohibited under the Civil Rights Act of 1964 and is enforced by the Equal Employment Opportunity Commission.[77] In Bosnia and Herzegovina, the Upper Drina Regional Development programme provides greater access to employment and high-quality, needs-based public service for multi-ethnic communities.[78] Several noteworthy initiatives have come from the Singapore Ministry of Manpower and the Tripartite Alliance for Fair Employment Practices. For example, their guidelines indicate that race should not be a criterion for the selection of job candidates, and job advertisements should not feature statements like "Chinese preferred" or "Malay preferred". In addition, if a job entails proficiency in a particular language, employers should justify the need for the requirement. According to the Tripartite Alliance, these guidelines have led to good results — mention of ethnic criterion in job advertisements has gone from 34 per cent in 1999 to almost no mention in 2011 and mention of language criteria in job advertisements has gone from 20 per cent to less than 1 per cent from 2006 to 2011. Singapore has also organized various workshops on how to handle grievances, create an inclusive workplace, and manage diversity.[79]

78. The Special Rapporteur further emphasizes that general poverty alleviation initiatives need also to be beneficial to groups that are discriminated against. In China, the 8-7 National Poverty Reduction Plan, conducted from 1994 to 2000 with some focus on ethnic minorities and rural migrants, aimed to lift 80 million poor above the poverty line. The plan included assistance with land improvement, crop and livestock production, education and basic health care. Drawing from the success of the Plan, China instituted the New Century Rural Poverty Alleviation Plan for 2001-2010 to reach more areas of the country.[80] In the city of Durban, South Africa, the Grants-in-Aid, Non-Racism and Non-Sexism Committee runs several poverty alleviation programmes, aiding groups that traditionally suffer discrimination in several fields, including economic empowerment, education, and social welfare.[81]

79. The Special Rapporteur would also like to mention the importance of taking special measures or affirmative action in conformity with general recommendation No. 32 of the Committee on the Elimination of Racial Discrimination. As noted in his report on Bolivia, appraisals of the need for such measures should be carried out on the basis of accurate data, disaggregated by race, colour, descent and ethnic or national origin, and the special measures should be designed and implemented on the basis of prior consultation with affected communities.[82] In 2002, Brazil adopted a National Affirmative Action Programme to address inequalities experienced by Afro-descendants and indigenous populations. Legislation on a Statute on Racial Equality created quotas for Afro-Brazilians and indigenous people in higher education and public service.[83] Finally, a community development programme run by the United Nations Development Programme in Nepal reserves a proportion of funds for excluded groups, including Dalits.[84]

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[77] A/HRC/11/36/Add.3, para. 32.
[78] *MDG Good Practices*, chapter 1, pp. 87-88.
[79] A/HRC/17/40/Add.2, paras. 46-47.
[80] *MDG Good Practices*, chapter 1, pp. 23-24.
[81] UNESCO, *Fighting Racism and Discrimination*, p. 43.
[82] A/HRC/23/56/Add.1, para. 93.
[83] A/HRC/4/9, para. 90.
[84] Ibid., para. 92.

IV. Conclusions and recommendations

80. **The Special Rapporteur welcomes the efforts and initiatives undertaken by various States to prohibit discrimination and segregation and to ensure full enjoyment of civil, cultural, economic, political and social rights for all individuals and groups. He notes that certain groups and individuals, including people of African descent, indigenous peoples, minorities, Roma, Dalits and migrants, are still confronted with poverty and discrimination, especially in the enjoyment of their economic and social rights. The persistence of discrimination against those groups and individuals remains a challenge to the construction of a tolerant and inclusive society, and only the guarantee of equality and non-discrimination policies can redress that imbalance and prevent those groups that are discriminated against from falling into or being trapped in poverty.**

81. **The Special Rapporteur therefore invites Member States to adopt comprehensive approaches for tackling the intersection of poverty and discrimination which is prevalent around the world. In particular, the Special Rapporteur recommends that Member States review and redesign policies and programmes which may have a disproportionate effect on racial or ethnic minorities in view of their socio-economic vulnerability and implement effective measures to improve the access of such groups to civil, cultural, economic, political and social rights.**

82. **As a key prerequisite of any actions aimed at tackling the socio-economic vulnerability of persons belonging to ethnic or racial minorities, the Special Rapporteur also recommends that States collect disaggregated data and indicators that allow for the identification of the main problems those groups and individuals face and that would inform policy-making in this regard. The principles of privacy, self-identification and involvement of all communities in such data-gathering activities should be respected at all times.**

83. **The Special Rapporteur encourages the stakeholders of the post-2015 agenda to continue focusing on reducing socioeconomic inequalities while taking into account issues surrounding discrimination. While the Millennium Development Goals have addressed the reduction of extreme poverty, the Special Rapporteur suggests that in the post-2015 agenda specific goals and targets be developed to ensure that everyone, regardless of socioeconomic status or ethnicity, has universal access to health care, education, water, food and security. Legislative and institutional mechanisms should be in place to ensure that these rights are recognized equally for all. The principles of equality and non-discrimination should ensure that no group is left behind and that groups that have historically been discriminated against receive special protection.**

84. **The Special Rapporteur recalls the overarching prohibition of discrimination on national, racial, ethnic, religious or other grounds according to international human rights law, and strongly recommends that States review legislation and policies which may directly or indirectly discriminate against particular groups or individuals.**

85. **In order to redress the historical imbalances created by racism and discrimination, including slavery, segregation, apartheid and other forms of**

exclusion, the Special Rapporteur recommends that Member States adopt or strengthen special measures aimed at fostering integration of racial and ethnic minorities or other groups and individuals that have traditionally been discriminated against, especially in the areas of education, health, housing, food and water supplies and in the workplace.

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Sixty-eighth session
Item 69 (a) of the provisional agenda*
Promotion and protection of human rights

Implementation of human rights instruments

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Chairs of the human rights treaty bodies on their twenty-fifth meeting, held in New York from 20 to 24 May 2013, pursuant to General Assembly resolution 57/202.

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Report of the Chairs of the human rights treaty bodies on their twenty-fifth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings. The present document contains the report on the twenty-fifth meeting of the Chairs of the United Nations human rights treaty bodies, which was convened in New York from 20 to 24 May 2013. The meeting of the Chairs, convened annually pursuant to Assembly resolution 49/178, was held with a view to enhancing synergies with the intergovernmental process on treaty body strengthening. The Chairs considered the follow-up to the recommendations of the twenty-fourth meeting and reviewed developments, including the implementation by treaty bodies of recommendations included in the report of the United Nations High Commissioner for Human Rights on the strengthening of the treaty body system. In the context of the intergovernmental process on treaty body strengthening, the Chairs met with the co-facilitators, the Permanent Representatives to the United Nations of Iceland and Indonesia, Member States and groups, as well as civil society organizations. The Chairs further discussed the post-2015 development agenda and adopted a joint statement. The Chairs adopted recommendations, which are contained in section VI of the present report.

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I. Introduction

1. The twenty-fifth meeting of the Chairs of the human rights treaty bodies was held in New York from 20 to 24 May 2013. The meetings are convened annually pursuant to General Assembly resolution 49/178. The meeting was convened in New York with a view to enhancing synergies with the intergovernmental process on treaty body strengthening.

II. Organization of the meeting

2. The meeting was attended by the Chairs of the following bodies: Committee against Torture (Claudio Grossman); Human Rights Committee (Nigel Rodley); Committee on the Elimination of Discrimination against Women (Nicole Ameline); Committee on Enforced Disappearance (Emmanuel Decaux); Committee on the Elimination of Racial Discrimination (Alexei Avtonomov); Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (Abdelhamid El Jamri); Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Malcolm Evans); and Committee on the Rights of Persons with Disabilities (Maria Soledad Cisternas Reyes). In addition, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child were represented by their respective Vice-Chairs, Azzouz Kerdoun and Hatem Kotrane.

3. Ibrahim Salama, Director of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), opened the meeting and welcomed the Chairs. He underscored the historical importance of the meeting, which had two major items on its agenda: treaty body strengthening and the post-2015 development agenda. He thanked the outgoing Chair, Abdelhamid El Jamri, for his leadership during the previous 12 months and his active role in the treaty body strengthening process. He noted the progress that had been made since the start of the intergovernmental process to ensure the inclusion of treaty body members in the process and emphasized that the collective wisdom of the treaty bodies was needed more than ever.

4. Mr. Salama then proceeded with item 1 of the provisional agenda, namely the election of officers, and made reference to the list provided by the secretariat of former Chairs and Vice-Chairs of the annual meetings. Based on the principle of rotation, the Chair of the Committee against Torture, Claudio Grossman, was elected Chair-Rapporteur of the twenty-fifth meeting and the Vice-Chair of the Subcommittee on Prevention of Torture, Malcolm Evans, was elected Vice-Chair. The rotation principle was reiterated, as was the need to ensure that new committees were duly incorporated through the vice-chairmanship. Consequently, the Subcommittee on Prevention of Torture would hold the Chair in 2014, while the Committee on Enforced Disappearance would enter the rotation as Vice-Chair. In 2015, the Committee on Enforced Disappearance would take over the Chair. At that point, all committees would have held the Chair at least once. Hence, it was resolved that in 2015, the Vice-Chair would be identified taking the year 2006 as starting point and that, from then on, the historical rotation would resume.

5. The Chairs adopted the agenda on the basis of the provisional agenda and annotations (HRI/MC/2013/1 and Corr.1).

6. The Chair of the twenty-fifth meeting, Mr. Grossman, then invited Mr. El Jamri, Chair of the twenty-fourth meeting, held in Addis Ababa, to inform participants of his activities. Mr. El Jamri spoke of the important developments that had occurred in the intergovernmental process and the contribution of treaty body experts hereto. He praised the co-facilitators for having consulted the treaty bodies in the course of the intergovernmental process and emphasized that, at the present meeting, the Chairs would have a unique opportunity to put forward a common vision, as the co-facilitators planned to conclude their report in the coming month. He welcomed the fact that the meeting was taking place in New York, as that would have a direct bearing on the intergovernmental process. He recalled that at their twenty-fourth meeting, the Chairs had reiterated their recommendation that the annual meeting of Chairs should be held every other year in a different region, in order to make the human rights treaty bodies more accessible to all stakeholders involved in the implementation process and to raise awareness of their work by strengthening linkages and synergies between international and regional human rights mechanisms and institutions.

7. Mr. El Jamri recalled that at the previous annual meeting, the Chairs had endorsed the guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines") (A/67/222, annex I), which constituted the source of credibility and integrity of the system and should be adopted by all treaty bodies and reflected in their rules of procedure. So far, seven treaty bodies had amended their rules of procedures or annexed the guidelines to their rules. He added that the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies (A/66/860) had been useful in helping treaty bodies focus their reflections and noted that the proposals put forward in the report were the result of almost three years of consultations, in which treaty body experts had played a key role. Mr. El Jamri further expressed the view that the adoption of a comprehensive reporting calendar would increase the transparency of the system.

8. As regards the follow-up to the recommendations adopted by the Chairs at their twenty-fourth meeting, Mr. El Jamri described concrete initiatives which had been taken to improve cooperation between treaty bodies and African regional mechanisms. He noted in particular the participation of the President of the African Court on Human and Peoples' Rights in a session of the Committee on the Elimination of Racial Discrimination in August 2012 and the participation of a delegation of the African Committee of Experts on the Rights and Welfare of the Child in a session of the Committee on the Rights of the Child in June 2013. In order to strengthen the coherence between regional and international protection systems and to ensure consistency in jurisprudence, a seminar had been organized in October 2012 by the African Court on Human and Peoples' Rights, with the participation of subregional courts in Africa. In the spirit of the recommendations adopted by the Chairs at their twenty-fourth session, the Regional Office for East Africa of the Office of the United Nations High Commissioner for Human Rights in Addis Ababa was organizing a training in June 2013 for the bar associations from the subregion to strengthen their knowledge of and capacity to submit communications to both international and regional human rights mechanisms. Mr. El Jamri noted that strengthening the collaboration between the treaty bodies and African human rights mechanisms was a long-term project that required continued efforts from all sides. He congratulated the OHCHR Regional Office for East Africa

for its relentless efforts to build the capacity of the African human rights mechanisms, including its efforts to explore the possibility of an exchange programme that would allow for civil servants of African human rights mechanisms to be trained in relevant secretariats of the treaty bodies in Geneva.

9. The Chair presented the programme of work of the twenty-fifth annual meeting of the Chairs of the United Nations treaty bodies.

III. Follow-up to the recommendations of the twenty-fourth meeting of Chairs of the human rights treaty bodies, including implementation of recommendations contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the treaty bodies

10. The Chair recalled that one of the most important projects currently being undertaken by the annual meeting was to assist in harmonizing the working methods and rules of procedure of treaty bodies. In that regard, he drew the attention of the Chairs to three documents prepared by the Secretariat to facilitate the discussion of the agenda item, entitled as follows: "Overview of the human rights treaty body system and working methods related to the review of the States parties" (HRI/MC/2013/2 and Corr.1); "Other activities of the human rights treaty bodies and participation of stakeholders in the human rights treaty process" (HRI/MC/2013/3 and Corr.1); and "Report on the implementation by the treaty bodies of the recommendations contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies" (HRI/MC/2013/4), which was prepared in accordance with the recommendation made at their twenty-fourth meeting (see A/67/222, para. 32 (c)) that the Secretariat should produce and regularly update a report on that subject for consideration by the meeting of Chairs in order to review progress and full implementation, bearing in mind that the strengthening process was by definition a continuing one. Reference was also made to the working document circulated by the co-facilitators entitled "The way forward".

11. The Chairs noted that the harmonization by the treaty bodies of their working methods was an ongoing process that had existed prior to issuance of the report of the United Nations High Commissioner and that the process would continue in the future. Each Chair then reported on developments within their respective committees, both in relation to harmonization of working methods and to progress and implementation related to the strengthening process. New developments included but were not limited to the use of modern technologies, including webcasting/captioning (Committee on the Rights of Persons with Disabilities), more committees adopting a simplified reporting procedure (Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families), reducing the length of concluding observations (Committee on the Rights of the Child and Committee against Torture), and calendars adapted to individual committees (Committee on the Rights of Persons with Disabilities and Committee on Enforced Disappearance). The entry into force of new protocols was leading to a reorganization of working methods (Committee on Economic, Social and Cultural Rights) and a request for additional meeting time to meet the growing demand. The need to deal with reprisals was also discussed.

12. The Subcommittee on Prevention of Torture had amended its rules of procedure to bring them into line with the Addis Ababa guidelines. At a recent retreat, members of the Human Rights Committee had discussed that the guidelines reflected existing Committee guidelines and that they would envisage incorporating them into the rules of procedure. No amendment had been adopted by the Committee on the Elimination of Racial Discrimination as that Committee had indicated that it would like to conduct a comprehensive review of its rules of procedure, considering that the present rules had been adopted 40 years ago.

13. Concerning a comprehensive reporting calendar, the Chairs pointed out the need to have a shared, broad, common proposal that provided for a predictable, clear and transparent reporting system. They agreed that, if a calendar were adopted, its periodicity should not exceed five years. Moreover, for the calendar to work properly, it would have to be adequately resourced. On the issue of resources, the Chairs pointed out that measures were already being taken within committees to keep costs down by improving working methods. It was not clear how opt-in approaches would work as the calendar would not be predictable, and tailor-made reporting should be avoided. The review of States parties in the absence of a report was already included in a number of treaties and was used by committees, albeit sparingly, especially for States with long-overdue reports. The issue was lack of compliance by States parties, and often cooperation was forthcoming when the committees informed the States parties that they would be reviewed.

14. During the discussion on working methods, the Chairs also discussed how their respective committees conducted their interactive dialogue and the time devoted to each State party and to individual communications. The discussion revealed different practices in terms of the length of time for the consideration of a report, rapporteurs versus country task forces, or the clustering of provisions in the treaty. In that context, the issue of the use of parallel chambers was also discussed: its impact on the nature of the dialogue and the need for concluding observations to be adopted in plenary, even if the interactive dialogue was held in dual chambers. At its twenty-sixth session, the Chairs will discuss the possible alignment of the methodologies for the interactive dialogue in more depth.

IV. Treaty bodies and the intergovernmental process on the strengthening of the treaty bodies

A. Meeting with the co-facilitators of the intergovernmental process on the strengthening of the treaty bodies

15. On 20 and 24 May, meetings were organized between the Chairs and the Permanent Representatives to the United Nations of Iceland and Indonesia, the co-facilitators of the intergovernmental process on the strengthening of the treaty bodies. The Chairs extended a warm welcome to the co-facilitators and expressed their appreciation for the opportunity to exchange views, with the common goal of strengthening human rights protection worldwide by strengthening the treaty bodies. The Chairs then reviewed, issue by issue, the paper submitted by the co-facilitators entitled "The way forward", and shared their comments. The Chairs emphasized the principle that any savings should be reinvested in the treaty body system. The

co-facilitators expressed their gratitude for the opportunity to hear the views of the Chairs on their proposals.

16. The paper shared by the co-facilitators listed 31 issues and was divided into three parts: (a) general agreement on action based on background papers (to be further refined); (b) general agreement that no further action was needed within the intergovernmental process; and (c) issues requiring further discussion — proposals by the co-facilitators.

17. The proposal on webcasting and captioning was generally welcomed by the Chairs as it would ensure the integration of evolving technologies and contribute to increasing participation, including by persons with disabilities. The Chairs noted that the provision of United Nations webcasting could formalize the ad hoc arrangements currently in place. If meetings could be reliably indexed and searched further, for example through digital recording, the need for summary records could be reduced. The Chairs also welcomed the proposal for videoconferencing and highlighted the precedent set by the Committee on the Rights of the Child.

18. The co-facilitators noted that the adoption of the simplified reporting procedure ("list of issues prior to reporting") could become an important cost-saving measure. On the submission of common core documents, updates by way of an addendum could be considered. The Chairs found the proposal on annual reports to be acceptable since, although concluding observations could now be accessed electronically, other documents would still need to be reflected in the annual report. The Chairs also welcomed the proposal on strict adherence to page limits. The Chairs noted that the important issue of addressing the backlog and coordinated requests for additional meeting time, might create competition between the committees. The co-facilitators, however, stressed the need to avoid future ad hoc requests for additional resources.

19. On an aligned methodology for the constructive dialogue between States parties and treaty bodies, the Chairs highlighted that a uniform allocation of two meetings for the interactive dialogue with a State party might not be meaningful in all cases in view of the differences between States parties, and advocated a degree of flexibility in that regard. They also asked for flexibility on other proposals such as the issue of task forces and with respect to the various methods of work that had been developed by each committee on the basis of its experience, composition and precedents.

20. The Chairs expressed concern over reprisals and agreed with the recommendation of the co-facilitators. The Chairs added that there was a need for a collective response that would include measures of reparation, and suggested that each committee designate a focal point and that a joint body to address reprisals be explored.

21. The advantages and disadvantages of dual chambers were discussed. The Chairs noted that, while there were clear benefits in terms of saving time and money, dual chambers would be difficult for smaller committees, such as the Committee against Torture which had only 10 members and for which it could be difficult, if not impossible, to find a balanced composition for each chamber. The question was also raised as to how treaty body members who did not participate in the interactive dialogue could properly participate in adopting concluding observations.

22. The Chairs expressed strong support for capacity-building efforts, both for reporting and for the implementation of concluding observations. They underscored, however, that any cost savings from the treaty bodies should be entirely reinvested in the treaty body system in order to allow the system to address the challenges it faced. The co-facilitators explained that many delegations attached great importance to capacity-building and that it would be a critical element of any final agreement. The Chairs agreed that additional resources should be committed to building the capacity of States parties to report and to implement, but that such efforts should not be made at the expense of an already underresourced system.

23. The Chairs agreed with the co-facilitators on the need for more predictability, which a calendar could provide. However, they cautioned that the nimble and "opt-in" calendar proposals might contradict the treaties by making a legal obligation optional and further create a "two-speed" reporting system. The co-facilitators noted that the proposal had just been shared with Member States so it was too early to gauge their reaction. On the five-year comprehensive reporting calendar proposal in the report of the United Nations High Commissioner, the co-facilitators stated that a number of delegations had expressed concern about the possibility of a review in the absence of a report. The Chairs responded that State reviews in the absence of a report were already a current practice in several committees.

24. In respect of the Addis Ababa guidelines, the Chairs pointed out that the guidelines had only recently been adopted and that it was therefore too early to review them. They added that the guidelines affirmed what already existed and that only the treaty bodies were responsible for implementing and evaluating them as part of their internal rules and regulations. On the subject of the annual meeting of the Chairs, the Chairs informed the co-facilitators of their recommendation, made at the previous annual meeting, that the meetings be decentralized and alternate between Geneva and the field. They also noted that it would be useful for the annual meeting to be held in New York every few years in order to allow for greater interaction with Member States.

25. In conclusion, both the co-facilitators and the Chairs expressed great satisfaction with the exchange. The co-facilitators hoped to finalize the process by mid-June, with a report to the President of the General Assembly, who in turn would submit the report to the Assembly. They also expected that some proposals would be staggered in their implementation, namely, short-, mid- and long-term proposals. The co-facilitators conveyed a sense of urgency in achieving an outcome despite divergent views.

B. Informal consultation with States

26. On 21 May 2013, the Chairs held an informal consultation with States, as well as informal exchanges with groups of Member States in the following days. At the opening of the informal consultation with States, the Chair of the annual meeting made a statement on behalf of all the Chairs. He welcomed the open dialogue between the co-facilitators and the treaty bodies, and recognized the former's role in facilitating the participation of several treaty body members in the informal consultations of the intergovernmental process, including by videoconference from New York and through their visit to Geneva in April 2013. The Chair stated that the success of the treaty body strengthening process would be measured by its ability to

offer more protection to rights holders than was currently the case. He then gave an overview of the unprecedented challenges which confronted the human rights treaty body system, such as the immense backlog in reviewing States parties' reports and communications and the high degree of non-compliance by States parties with their reporting obligations, which constituted a threat to the integrity, coherence and effectiveness of the system, as did the significant delay between the submission of reports and their review. The Chair further criticized the severe underresourcing of the system, which forced it to rely to an unsafe degree on extrabudgetary resources. The Chair further expressed the deep concern of the treaty body Chairs over cases of reprisals, including against human rights defenders who provided information to the treaty bodies, and called for greater access for civil society organizations from all States parties to the treaty bodies.

27. The Chair then proceeded to enumerate the principles and benchmarks that they considered to be fundamental in relation to the treaty body strengthening process. As the principles were rooted in human rights treaty law, as elaborated and ratified by States, the Chairs expected them to be faithfully reflected in the process and outcome of the treaty body strengthening process. The first principle was that any outcome of the intergovernmental process should strengthen the human rights protection that the treaty body system offered. The second principle was the independence and impartiality of the treaty bodies and their members. At their 2012 annual meeting, the Chairs had endorsed the Addis Ababa guidelines, which interpreted the concepts of independence and impartiality for treaty body members.

28. The Chair added that the guidelines were based on pre-existing guidelines of the Human Rights Committee, relevant rules of procedure and decisions of other treaty bodies relating to independence. Less than a year later, the Addis Ababa guidelines had been incorporated, in one way or another, in the rules of procedure and practices of all the committees, as documented in the report (HRI/MC/2013/4) on the implementation by the treaty bodies of the recommendations contained in the report of the High Commissioner. That had given the Addis Ababa guidelines tremendous weight. Third, any outcome of the intergovernmental process should be comprehensive and sustainable, meaning that the treaty bodies should be equipped with the proper material and human resources from the regular budget to adequately carry out their responsibilities under the respective treaties. The fourth principle was the principle of efficiency and needed to be tested in the light of the goal of the system to respect, protect and promote human rights. In that context, all cost-saving measures needed to be fully reinvested in a system that suffered dramatically from a lack of resources. Valuable capacity-building initiatives should therefore not be undertaken at the expense of the scarce resources of the treaty bodies, but additional resources should be made available for that purpose. Fifth, the intergovernmental process provided Member States and treaty bodies with a unique opportunity to modernize the work of the latter by allowing them to take full advantage of technological developments while at the same time making it universally accessible for persons with disabilities, thereby honouring the principle of reasonable accommodation.

29. The Chair further highlighted that the strengthening process was by definition a multi-stakeholder process in which both States and treaty bodies had specific competencies. The Chairs very much valued the dialogue in each committee as well as the informal consultation that was a permanent feature of the annual meeting of Chairs. The treaties, however, provided for the rules of procedure and the working

methods of the treaty bodies to be determined by the treaty bodies themselves. The Chair highlighted that the treaty bodies were committed to the continued harmonization of their working methods, and in this context welcomed the report of the High Commissioner on treaty body strengthening. He concluded by stating that the treaty bodies had already invested greatly in developing possible solutions for a crisis that, if not attended to, could seriously weaken a system already under stress.

30. In their comments, some Member States echoed the view expressed by the Chairs that the intergovernmental process should result in a comprehensive and concrete response to existing challenges and should also lead to increased compliance by States with their legal reporting obligations. Others reiterated that any proposals for change should strengthen and not weaken the system. Many delegates expressed respect for the independence and autonomy of the treaty bodies and applauded their self-regulation by adopting the Addis Ababa guidelines. Some participants asked what measures had been taken by the treaty bodies to implement the guidelines and whether the guidelines would be subject to review by the committees, in the light of best practices and the views of stakeholders. The Chairs were also asked how they assessed the objectivity of information provided by civil society and what initiatives were being undertaken by the treaty bodies themselves to harmonize their working methods and ensure efficiencies. The views of the Chairs were further solicited with respect to the possibility of a reporting calendar, the implications for treaty body experts of increased meeting time, as well as ways and means to avoid ad hoc requests for additional resources from individual committees.

31. In the ensuing dialogue, the Chairs emphasized the need to give the Addis Ababa guidelines, which were a valuable interpretive tool, time to be implemented and used before resolving to review them. The Chairs suggested the possibility of a joint treaty body working group to look into the issue of reprisals. On the reliability of sources, treaty bodies pointed to their practice of cross-referencing various sources, including information from other human rights mechanisms and from United Nations entities. The diversity of sources allowed treaty body experts to evaluate the information received. The Chairs provided examples of harmonized working methods and suggested areas where more could be done. On the issue of languages, the Chairs underlined the importance of maintaining diversity. On improving efficiencies through cost-saving measures, the Chairs emphasized that any cost savings should be redirected to the treaty body system. With respect to lack of compliance with reporting obligations, the Chairs noted that, in general, lack of reporting was not only a matter of capacity, but also of political will and that in the absence of additional resources and structural solutions, the current system could not in any case cope with increased State compliance with their reporting obligations. Concerning a calendar, some Chairs stated that a five-year periodicity for reporting would be the maximum acceptable limit. They expressed concern over the fact that a number of proposals that were circulating were allowing States the possibility of reporting as they wished, and stressed that that contradicted voluntarily contracted legal obligations. Chairs acknowledged the advantages of a comprehensive request for additional resources, but asked who the arbiter would be as to the distribution of any additional resources received between the different treaty bodies; they warned against possible competition, and even conflict. Objective parameters would therefore have to be drawn up including the status of ratifications and the existing backlog.

C. Informal consultations with civil society organizations and the International Coordinating Committee of national human rights institutions

32. On 22 May 2013, the Chairs held informal consultations with civil society organizations and the International Coordinating Committee of national human rights institutions. A joint statement by 14 civil society organizations highlighted a number of priority areas for consideration by the Chairs. It was stated that the intergovernmental process provided a key opportunity for reminding States of their obligation to fully and effectively implement the recommendations and decisions adopted by the treaty bodies, to ratify all human rights treaties and their optional protocols, and to remove reservations that limited the scope of the treaties. With respect to working methods, the civil society organizations, in their joint statement, welcomed the alignment by the treaty bodies of their working methods. In the light of increased reprisals against civil society organizations and human rights defenders, they called upon the treaty bodies to develop common guidelines on addressing reprisals and to appoint focal points as soon as possible with a broad and clear mandate to take all possible steps to prevent and swiftly address reprisals. Linked to this, they stressed the importance for treaty bodies to continue to organize their formal meetings with civil society organizations related to State reviews in private. On the issue of resources, the civil society organizations noted that the current challenges facing the treaty body system were the result of years of underfunding, which had resulted in a large backlog of reports and communications. Lastly, the civil society organizations called on the Chairs to ensure that the Addis Ababa guidelines would be strictly adhered to by all treaty body members.

33. Other participants spoke about the need to strengthen human rights protection on the ground and also cautioned against extending periodicity beyond the reporting period contained in the treaties. Additional points made included the need for more staff to support the Subcommittee on Prevention of Torture and the importance for treaty bodies to continue their work on general comments and recommendations, which expressed and formalized committee practice on thematic areas as distilled from numerous concluding observations. It was highlighted that the international human rights treaty system is for many individuals and groups the only forum in which they could claim their human rights. Similarly, the treaty monitoring system offered a measure of State accountability for human rights implementation that in some cases was the only accountability available. It was argued that it was therefore essential that treaty bodies should continue to review States parties in the absence of a report. Several participants further expressed the view that capacity-building assistance should only be made available to States parties that committed to promptly complying with their reporting obligations. On the question of a calendar, some civil society organizations suggested predictability, transparency, compliance with reporting obligations and the review of all States parties without exception as principles that should underpin any models put forward in the course of the intergovernmental process.

34. The Chairs welcomed the valuable contribution of civil society organizations to the work of the treaty bodies, whether through submissions, inputs, hearings or briefings. They called on those organizations to continue to actively participate in State reviews as well as in the implementation of recommendations emanating from the treaty bodies.

V. Treaty bodies and the post-2015 development agenda

35. On 24 May 2013, Craig Mokhiber, Chief, Development and Economic and Social Issues Branch, OHCHR, gave a presentation on the post-2015 development agenda, for which preparations were taking place. He stated that treaty bodies could provide a strong accountability framework in the post-2015 framework as, in the State review, they could consider State compliance with the post-2015 commitments that would eventually be adopted.

36. He explained that when the Millennium Development Goals were drafted, drafters vetoed the inclusion of human rights, as it was perceived to be a vague and amorphous concept and not a concrete, measurable framework. OHCHR, as part of the United Nations community, had nevertheless engaged on the Millennium Development Goals in spite of the absence of a rights-based approach to important issues such as health, education and poverty. The Goals were a narrow set of socioeconomic indicators that did not address the imperative of inequality and with a weak accountability framework. Goal 8 on "global partnerships for development" was never designed to be implemented.

37. The post-2015 agenda gave the international community the opportunity to correct itself by replacing the framework of the Millennium Development Goals with goals or objectives that had a normative base and a strong accountability framework. OHCHR had facilitated one of the global thematic consultations and been actively involved in the others. Since the start of the post-2015 process, OHCHR had relentlessly advocated for human rights to be at the centre of the new development agenda. According to the human rights-based approach, the sustainable development goals must be built around a framework of international law, including human rights law. Human rights principles such as equality, meaningful participation and accountability had to be stressed and the framework to be adopted should address freedom from fear as much as freedom from want. The framework also needed to take into account the environment and address weak goal 8 and the international side of the development agenda in accordance with the right to development. Moreover, the post-2015 framework should also consider the private sector as agents of development, and take into account the accountability of those non-State actors and the need for redress of human rights violations.

38. In the ensuing discussion, the Chairs pointed out that the role of women as regards the Millennium Development Goals and the post-2015 development agenda was a crucial one. There was also some merit in looking at treaty body strengthening in the context of the post-2015 development agenda, which could lead to providing states with budgetary assistance so they could implement their obligations. The issue of how human rights could be made measurable was also brought up, as was the need to apply human rights indicators. The Chairs also looked at the huge disparities in reaching the Millennium Development Goals in sub-Saharan Africa. The need to make the link with sustainable development was also stressed. One question was how the issue of corruption was being addressed, since without good governance it would be difficult to achieve the goals in the long term. The significance of the broader framework in which freedom from torture must be framed was also brought up. A broader range of factors had to be addressed, especially the issue of prevention against torture. On accountability, the Chairs emphasized that the treaty bodies had an instrumental role to play that was not limited to political accountability, but also encompassed powers of enforcement.

39. In response, Mr. Mokhiber called on the treaty bodies to rally around integrating human rights into outcome documents through a joint statement. On the role of women, there should be clear gender benchmarks. Resources were a key issue, but they were often used as a distraction as it was clearly not a question of a lack of money when military spending or spending on bank bailouts was in the trillions. Therefore, scarcity of resources should not be used as a pretext for the failure to make human rights a priority. Reference was also made to the OHCHR publication on human rights indicators and its recently launched report entitled "Who will be accountable?: human rights and the post-2015 development agenda". In conclusion, the key challenge was to ensure that the post-2015 framework would be articulated in human rights terms.

VI. Decisions and recommendations

40. At their twenty-fifth meeting, the Chairs of the United Nations human rights treaty bodies adopted the following recommendations:

Intergovernmental process on treaty body strengthening

41. The Chairs stated that the following principles should be taken into account in the intergovernmental process on treaty body strengthening:

(a) The outcome of the intergovernmental process should strengthen the human rights protection that the treaty body system offers and intensify the scrutiny of implementation of obligations as provided by the treaty body system;

(b) The independence of treaty body members is the source of the credibility and integrity of the system and guarantees the impartial treatment of States parties. The Addis Ababa guidelines, which were devised and endorsed at the twenty-fourth meeting of the Chairs of the human rights treaty bodies in 2012, enshrine and operationalize these principles;

(c) The outcome of the intergovernmental process should address the challenges faced by the treaty body system in a comprehensive and sustainable manner;

(d) All cost-saving and other measures to improve the efficiency of the treaty bodies must be reinvested in the treaty body system and, through additional resources, the treaty bodies should be equipped with the proper material and human resources from the regular budget to adequately carry out their responsibilities under the respective treaties;

(e) The work of the treaty bodies should be modernized so as to take full advantage of technological developments, while at the same time making it universally accessible for persons with disabilities, thereby honouring the principle of reasonable accommodation.

42. The Chairs valued the extensive consultations with Member States and groups of States, as well as with the co-facilitators and civil society organizations.

43. The Chairs welcomed the report of the United Nations High Commissioner on the strengthening of the treaty bodies. They received the proposal for a comprehensive reporting calendar in a positive spirit and endorsed in principle a common reporting calendar which reflects and reinforces the treaty-based reporting

commitments of States parties. As a result of the discussions around the comprehensive reporting calendar, a number of proposals for implementation modalities had been put forward by Member States. While the Chairs appreciated that the advantages and disadvantages of various proposals were still under discussion and that some of the proposals were still evolving, they reiterated that any structured calendar of reporting and consideration should meet the following criteria:

(a) Any structural solution should eliminate the unequal treatment of States parties by operating on the basis of universal compliance with reporting obligations;

(b) Any structured system put in place should be regular and predictable, leading to efficient utilization of resources, and facilitate advance planning for all parties concerned;

(c) Any scheduling of reports should follow as closely as possible the periodicity in the treaties, so as not to prejudice the legal reporting obligations of States parties;

(d) Non-reporting should be an exception and not the norm; any structured calendar should not be permissive as regards non-reporting;

(e) Eliminate backlogs and ad hoc requests for meeting time to the General Assembly.

Independence and impartiality of treaty body members

44. The majority of the committees have already completed action on the guidelines on the independence and impartiality of treaty body members ("the Addis Ababa guidelines") endorsed by the twenty-fourth annual meeting of Chairs by incorporating them in their respective rules of procedure. The other committees are in the process of considering the guidelines. The Chairs will continue to exchange views on the practice that will develop over time regarding those recently adopted guidelines.

Harmonization of working methods

45. The treaty bodies are committed to continuing to align their working methods. It is recommended that, at the next meeting of the Chairs of the treaty bodies, the following issues be discussed:

(a) The possibility of a common format for concluding observations (titles, length, number of recommendations);

(b) The possible alignment of the methodology for the interactive dialogue (e.g., written guidelines, country task forces or rapporteurs, clustering of questions by themes, equitable allocation of time between treaty body members and the State party, follow-up given to previous concluding observations and significant developments).

Implementation of the recommendations contained in the report of the United Nations High Commissioner for Human Rights on the strengthening of the treaty bodies

46. The Chairs also affirmed their commitment to promote positive consideration of the recommendations contained in the report of the United Nations High

Commissioner. In that context, the Chairs stressed that such implementation should be undertaken in coordination with the other treaty bodies and recommended that each treaty body should keep the meeting of the Chairs informed on an annual basis about the progress made. The Chairs further recommended that the Secretariat should produce and regularly update an implementation report in that respect for consideration by the meeting of the Chairs in order to review progress, bearing in mind that the strengthening process was by definition a continuing one. To that effect, the meeting decided to include the issue of treaty body strengthening, and in particular the consideration of the recommendations contained in the report of the High Commissioner, on the agenda of the next meeting.

Overdue and non-reporting by States parties

47. The Chairs expressed deep concern over late reporting and non-reporting by a number of States parties to international human rights treaties. Based on the annual reports of the respective treaty bodies, the meeting recommended that the Secretariat should provide regular updates on late reporting and non-reporting and place them on the OHCHR website. The item will be included as a standing item on the agenda of the meeting, and the status of late reporting and non-reporting will be included in future meeting reports.

Enhancement of the meetings of the Chairs of the human rights treaty bodies

48. The Chairs reaffirmed their previously recognized roles to facilitate representation and coordinate common activities, including matters such as the consideration and adoption of joint statements, while respecting the autonomy and specificity of each treaty body. The Chairs also reiterated the recommendation that they should adopt measures on working methods and procedural matters that were common across the treaty body system and had previously been discussed within each committee, and that such measures should be implemented by all the treaty bodies unless a committee subsequently dissociated itself from them.

Treaty bodies and the post-2015 development agenda

49. After consulting with stakeholders, the Chairs considered and adopted a joint statement on the post-2015 development agenda related to the need to incorporate human rights in that agenda (annex).

Agenda for the twenty-sixth meeting of the Chairs

50. The Chairs decided that their next meeting would focus on the issue of strengthening the treaty bodies; late reporting and non-reporting of States parties; and harmonization of working methods.

Chair-Rapporteur and Vice-Chair-Rapporteur of the twenty-sixth meeting

51. The Chairs decided that, in accordance with the principle of rotation and inclusion of new committees in the list, the Chair-Rapporteur of the twenty-sixth meeting in 2014 will be Malcolm Evans, Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Vice-Chair will be Emmanuel Decaux, Chair of the Committee on Enforced Disappearances. In 2015, the rotation will again begin with 2006 as the starting point.

Annex

Joint statement of the Chairs of the United Nations treaty bodies on the post-2015 development agenda

The Chairs of the 10 United Nations human rights treaty bodies,[a] welcome the current reflection on the post-2015 development agenda to follow the Millennium Development Goals, particularly in the context of the forthcoming General Assembly special event on the Millennium Development Goals as well as the work of the Open Working Group on Sustainable Development Goals in follow-up to the United Nations Conference on Sustainable Development held in Rio de Janeiro, Brazil, from 20 to 22 June 2012.

International human rights law provides standards covering a range of issues from health, education, housing and labour standards to political participation, fundamental freedoms and personal security, administration of justice and non-discrimination. These issues are fundamentally linked to development. As such, the Chairs highlight the critical link between development and human rights, including the rights of the most vulnerable groups. We also underline that human beings are at the centre of concerns for sustainable development and have a vital role to play in environmental and natural resource governance.

The Chairs encourage the international community to recognize this link and recognize that development goals, in order to be sustainable, have to be grounded in human rights, justice and the rule of law. By "human rights", the Chairs mean the full range of civil, political, economic, social and cultural rights. In particular, this human rights-development linkage should be grounded in the right to development as a key parameter since it "finds clear resonance in various human rights treaty provisions, that emphasize the multifaceted, multidimensional and complex nature of development processes and the need for development to be inclusive, equitable and sustainable."[b] In terms of the international environment in which development goals are framed and their implementation supported, "the right to development, through the systematic application of the core principles of equality, non-discrimination, participation, transparency and accountability, at both the national and international levels, establishes a specific framework within which the duty to provide international cooperation and assistance has to be implemented."[c] Special attention must be paid to tackling broader governance issues such as corruption and enhancing the right to information and adequate remedies in this regard.

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[a] Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee on the Elimination of Racial Discrimination; Committee on the Elimination of Discrimination against Women; Committee against Torture; Committee on the Rights of the Child; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; Committee on the Rights of Persons with Disabilities; Subcommittee on Prevention of Torture; and Committee on Enforced Disappearance.

[b] See joint statement of the Chairs of the United Nations treaty bodies: twenty-fifth anniversary of the Declaration on the Right to Development, July 2011. Available from www2.ohchr.org.

[c] Statement on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development, adopted by the Committee on Economic, Social and Cultural Rights at its forty-sixty session, (E/C.12/2011/2), para. 6.

In articulating a post-2015 development agenda, the need to promote the use of human rights indicators is crucial to measuring the success of development goals.

The current Millennium Development Goals have made some useful contributions to development. Yet, they did not make the link with human rights, with important consequences.

The goal of universal primary education did not explicitly refer to the human rights requirement that primary education be free and without discrimination, risking the exclusion of the poor, girls, migrants, indigenous persons and persons with disabilities, among others.

The goal of gender equality did not ensure the elimination of discrimination against women and equality between women and men, which should be addressed as a global priority in the future agenda, as should respect for the right to liberty and security of the person, and freedom from torture and other cruel, inhuman or degrading treatment.

Some human rights that are fundamentally linked to development and poverty eradication were omitted or underprioritized, such as freedom of expression and of association, including labour rights and decent work, and the right to water and sanitation, so important for the right to life and to meet health-related goals.

Insufficient attention to the human rights principle of accountability and access to justice has undermined incentives to reach goals and foreclosed any remedy for people whose rights were bypassed or abused in the development process.

In a joint statement of the Chairs of the United Nations human rights treaty bodies on the occasion of the United Nations Millennium Summit and the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals (20-22 September 2010), it was clearly pointed out that, with regard to the Millennium Development Goals, "their realization would still fall short of what human rights treaties require, as treaties call for the realization of human rights for all, which goes beyond the reaching of quantified targets". Ultimately, the failure to make an explicit link to human rights masked inequalities and frustrated advances. Indeed, in several of the celebrated development "success" stories of the previous decade, underlying repression, deprivation and inequality led to violent mass protest and the rolling back of any development gains.

The Chairs therefore welcome the recognition by States in the outcome document of the United Nations Conference on Sustainable Development of the importance and utility of future sustainable development goals being consistent with international law, including international human rights law. This lays the ground for developing a post-2015 development agenda that should deliver freedom from fear and want, in keeping with the legal obligations that States have voluntarily undertaken.

The Chairs call upon the international community to adopt a post-2015 development agenda that:

(a) Integrates human rights obligations within the development goals with specific human rights indicators to allow for an objective assessment of progress towards sustainable development grounded in human rights;

(b) Engages national and international human rights mechanisms, including the treaty bodies and special procedures of the Human Rights Council, in development processes as accountability mechanisms and as sources of significant human rights-related information that can assess progress in meeting development goals and serve as early warning mechanisms where problems, otherwise hidden, might be present.

In particular, the Chairs call upon the international community to strengthen accountability of all the actors responsible for development. By linking development goals to legal obligations of States under human rights treaties, development actors are more easily held accountable and their responsibilities are better defined. This should provide additional motivation to move forward nationally on the promises made at conferences globally.

The Chairs maintain that accountability can only be ensured if the overall treaty body system is strengthened, through focus on better reporting behaviour by States parties and better compliance with the recommendations aimed at States. In this context, capacity-building for States to discharge their conventional obligations is a common prerequisite to achieve the implementation of human rights norms as well as to implement the post-2015 development agenda. There is a need to continue to encourage periodic reporting by States parties and to reinforce the centrality of human rights in governance and national development planning.

For their part, the Chairs commit to continuing to be engaged in the reflection on the post-2015 development agenda. In their own work, the Chairs will encourage their committees to consider the impact of development goals on the rights contained in their respective treaties. The Chairs will also encourage the committees to draw on development data and reports, as appropriate, in their constructive dialogue with States parties.

The Chairs will continue to follow with interest the elaboration of the post-2015 development agenda as active partners in achieving sustainable development goals that respect human rights and, as emphasized in the 2010 statement by the Chairs on the occasion of the Millennium Summit, the realization of any development goals "should be an important step on the longer, and continuous, road towards the full and effective realization of all human rights for all."

May 2013